

Denman Island Local Trust Committee

Regular Meeting Agenda

Date: November 14, 2017
Time: 9:30 am
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

	Pages
1. CALL TO ORDER	9:30 AM - 9:30 AM
<i>"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."</i>	
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	9:30 AM - 9:45 AM
4. COMMUNITY INFORMATION MEETING	
5. PUBLIC HEARING	
6. MINUTES	9:45 AM - 9:50 AM
6.1 Local Trust Committee Minutes dated October 3, 2017	4 - 12
6.2 Section 26 Resolutions-Without-Meeting - none	
6.3 Advisory Planning Commission Minutes - none	
7. BUSINESS ARISING FROM MINUTES	9:50 AM - 10:05 AM
7.1 Follow-up Action List dated November 7, 2017	13 - 15
7.2 Aquaculture Notification - Ministry of Forests, Lands, Natural Resource Operations and Rural Development - Response to Local Trust Committee Request	16 - 16
8. DELEGATIONS	10:05 AM - 10:20 AM
8.1 Denman Community Land Trust Association (DCLTA)	
9. CORRESPONDENCE	
(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
10. APPLICATIONS AND REFERRALS	10:20 AM - 11:05 AM
10.1 Islands Trust Fund Five Year Plan - Briefing	17 - 18

10.2	Islands Trust Fund Regional Conservation Plan - Briefing	19 - 20
10.3	DE-RZ-2017.1 (Denman Community Land Trust Association) - Staff Report - to be distributed	
10.4	Agricultural Land Commission (ALC) Referral - Comox Valley Regional District (CVRD) Small Recreational Trail Adjacent to East Road - Memorandum	21 - 32
10.5	Electoral Area "H" Official Community Plan Review Referral - Memorandum	33 - 37
11.	LOCAL TRUST COMMITTEE PROJECTS	11:05 AM - 12:05 PM
11.1	Denman Farm Plan Implementation - Staff Report	38 - 54
11.2	Shared Narrative of Place Project - Staff Report	55 - 63
	---BREAK--- 12:05PM TO 12:15 PM	
12.	REPORTS	12:15 PM - 12:35 PM
12.1	Work Program Reports	
12.1.1	Top Priorities Report dated November 7, 2017	64 - 64
12.1.2	Projects List Report dated November 7, 2017	65 - 66
12.2	Applications Report dated November 7, 2017	67 - 71
12.3	Trustee and Local Expense Report dated September, 2017	72 - 72
12.4	Adopted Policies and Standing Resolutions - none	
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Reports	
12.8	Electoral Area Director's Report	
12.9	Trust Fund Board Report dated October, 2017	73 - 74
13.	NEW BUSINESS	12:35 PM - 1:05 PM
13.1	2018 Local Trust Committee Meeting Schedule - Memorandum	75 - 76
13.2	Temporary Use Permit Referrals - discussion	
13.3	Farm Industry Review Board Meeting - discussion	
14.	UPCOMING MEETINGS	
14.1	Next Regular Meeting - To be announced	
15.	TOWN HALL	1:05 PM - 1:15 PM

16. CLOSED MEETING

1:15 PM - 1:30 PM

16.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (i) for the purpose of considering: Adoption of In-Camera Meeting Minutes dated October 3, 2017 and receiving Legal Advice that is subject to solicitor-client privilege and that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT

1:30 PM - 1:30 PM



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: October 3, 2017
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Members Present George Grams, Chair
 David Critchley, Local Trustee
 Laura Busheikin, Local Trustee

Staff Present Ann Kjerulf, Regional Planning Manager
 Marnie Eggen, Island Planner
 Vicky Bockman, Recorder

Regrets Susan Morrison, Trustee

Others Present Alyssa Bradley, Young Anderson
 Approximately five (5) members of the public

1. CALL TO ORDER

Chair Grams called the meeting to order at 9:32 am. He welcomed the public, acknowledged that the meeting was being held in territory of the Coast Salish First Nations, and introduced Trustees, staff and recorder.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

14.2 Comox Valley Regional District (CVRD) Meeting

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

- A member of the public did not support the staff recommendation to refer proposed Bylaw No. 225 for comment further to all aquaculture tenure holders in the Denman Island Local Trust Area, as an Information Note in the draft bylaw already makes it known that tenure holders are excluded from the regulation. She suggested sending a letter as an alternative and noted that lack of ecosystem management, monitoring or enforcement by industry regulators remains a concern.
- Speaking on behalf of the Denman Island Residents Association Marine Guardians Committee, a member of the public encouraged the Local Trust Committee (LTC) to proceed with second reading and adopt proposed Bylaw No. 225. She addressed referral comments that were received from Ministry of Forests, Lands, Natural Resource Operations and

Fisheries and Oceans Canada, responding that shellfish growers have been consulted, enforcement officers have the ability to inspect tenures without driving on the beach, and she observed that serious harm to fish or fish habitat is occurring. She submitted her speaking notes for the record.

- A member of the public noted that the LTC has referred the Farm Plan Implementation project to the Advisory Planning Commission (APC) and asked if the APC membership includes a full-time farmer.
 - Trustees indicated they were unaware of an APC member with that status.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Minutes dated August 1, 2017

By general consent the minutes were adopted as presented.

6.2 Section 26 Resolutions-Without-Meeting Report dated September 26, 2017

Received.

6.3 Advisory Planning Commission Minutes dated July 25, 2017 for receipt

Received.

6.4 Advisory Planning Commission Minutes dated August 10, 2017 for receipt

Received.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated September 26, 2017

Regional Planning Manager Kjerulf presented the Follow-up Action List. In response to a question from a Trustee she noted that a staff report will be forthcoming that will address the various items on the List relating to First Nations as well as propose some changes to the Shared Narrative of Place Project Charter.

Trustees discussed possible First Nation project items to prioritize with the following comments noted:

- Organizing a community event including First Nations representatives was considered to be a priority; and
- Official Community Plan (OCP) amendments might be delayed and be considered subsequent to community consultation.

A Trustee inquired if Executive Committee has received a report on geoduck cultivation issues as referenced at a previous meeting; and if legal advice has been received in response to a request to investigate whether an exception to geoduck cultivation may be created in aquaculture regulations.

Regional Planning Manager Kjerulf responded that follow-up on these questions will occur and information will be forwarded for LTC consideration when received.

8. DELEGATIONS

8.1 Denman Community Land Trust Association (DCLTA)

Harlene Holm spoke on behalf of the Denman Community Land Trust Association (DCLTA). She expressed appreciation for the LTC's action to reduce fees for affordable housing projects; and asked the LTC to consider adopting an "affordable housing first" policy for applications and requesting staff to take all opportunities to process multiple functions in parallel to streamline the process for affordable housing projects.

She provided examples of time lags and delays that might be minimized; acknowledged that the community needs to see progress to maintain engagement; and emphasized that time is of the essence for low-income seniors who are in need of affordable housing. She submitted her speaking notes for the record.

Trustees and staff discussed options with the following comments noted:

- An activity on the current Follow-up Action List identifies a report to be provided addressing prioritization of affordable housing rezoning applications;
- A standing resolution to address this issue might be considered at the next LTC meeting;
- A new item in the Follow-up Action List might be considered to address the Affordable Housing First policy while continuing to consider the request for staff to process various functions in parallel; and
- Trust Council's Local Planning Committee might be addressing this issue for trust-wide consideration, and Staff was asked to investigate the status of this possibility before determining next steps.

9. CORRESPONDENCE

9.1 Email dated September 18, 2017 from E. Johnston regarding Shellfish Practices

A Trustee expressed concern that beach modifications seem to be increasing.

9.2 Email dated September 20, 2017 from G. Brazier regarding Harmful Shellfish Practices

Received.

10. CLOSED MEETING

10.1 Motion to Close the Meeting

DE-2017-067

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(c)(d) and (i) for the purpose of considering Labour Relations; adoption of In-Camera Meeting minutes dated May 2, 2017 and August 1, 2017; and receipt of Legal Advice and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 10:19 am.

10.2 Recall to Order

By general consent the meeting was recalled to order at 11:05 am.

10.3 Rise and Report - none

11. APPLICATIONS AND REFERRALS

11.1 DE-DP-2017.1 (Ellis) - Staff Report

Planner Eggen presented the Staff Report regarding an application to amend a Development Permit (DP) to remove reference to Development Permit Area (DPA) No. 7: Forest Cover and related clause 1(c) of DE-DP-03-99. She reported that the applicant is requesting the amendment as DPA No. 7 has been repealed.

The applicant was in attendance and was provided an opportunity to speak to the application for DP amendment. He indicated that he had requested that this amendment include authorization to farm another area on his property; however was unclear as to the correct procedure.

Chair Grams clarified that at this time the LTC is only considering the application to remove the reference to repealed DPA No. 7 and the related clause from DE-DP-03-99. He explained that staff can advise on process if he wishes to proceed with an application for other activities.

DE-2017-068

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve the issuance of the Development Permit DE-DP-2017.1 (Ellis) that amends Development Permit DE-DP-03-99 to remove the reference to Development Permit Area No. 7: Forest Cover and clause 1(c).

CARRIED

12. LOCAL TRUST COMMITTEE PROJECTS AND BYLAWS

12.1 Denman Downtown Village Design Charrette - for discussion

Trustee Busheikin reported that feedback from the community in the Denman Downtown Village Design Charrette process indicated a strong interest in extended trails in the downtown area, with the suggestion that these trails be constructed with a material that would provide a firmer ground for those with mobility issues. She suggested that Comox Valley Regional District (CVRD) might be informed of this and requested to consult with the community to determine the next phase of the Cross-Island Trail.

Trustees considered that this would be an appropriate topic for discussion at the next meeting with CVRD representatives.

Staff reported that a Charrette report is anticipated to be presented at the next LTC meeting for Trustee consideration.

12.2 Marine Issues - (Bylaw No. 225) - Staff Report

Prohibiting Vehicle and Ground-based Machinery Use in the W1, W3 and W4 Zones

Regional Planning Manager Kjerulf presented the staff report that provides a summary of responses received in relation to the referral of Proposed Bylaw No. 225. She reported that staff are recommending that the proposed bylaw be referred to aquaculture tenure holders in the Denman Island Local Trust Area in order to ensure that the intent of the bylaw is clearly understood, and to invite feedback.

Trustees discussed the proposal and considered communication approaches that might include the following:

- Explain the intent and limitations of the bylaw with zoning references clarified;
- Provide an educational element including information on the harmful effects of driving on the beach;
- Present an opportunity for input from aquaculture tenure holders; and
- Use staff time effectively.

They suggested that staff work with a Communication Specialist to create a letter for distribution to aquaculture tenure holders in the Denman Island Local Trust Area and that the Information Note in Proposed Bylaw No. 225 be revised to provide more clarity.

DE-2017-069

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff refer Proposed Bylaw No. 225 to all aquaculture tenure holders in the Denman Island Local Trust Area, and that the referral be accompanied by a covering letter to clarify the intent and limitations of the bylaw and invite feedback; and that such cover letter include educational materials as to the object of the Islands Trust and negative impacts of driving on the beach.

CARRIED

DE-2017-070

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff bring back a draft amendment of the Information Note to Proposed Bylaw No. 225 Schedule A to clarify the intention.

CARRIED

12.3 Bylaw No. 170 (Development Approval Information Bylaw) - Memorandum

Planner Eggen presented the Memorandum that updated the LTC on the status and next steps to advance updates to the Development Approval Information Bylaw.

12.4 Bylaw No. 227 - (Electronic Meetings) - Staff Report

Regional Planning Manager Kjerulf presented the Staff Report that outlines provisions and terms of the meeting procedure bylaw amendment that would allow Trustees flexibility to conduct business electronically when necessary.

Trustees discussed the bylaw amendment and were satisfied with the content; however an error in the text of section 27 was determined to require correction.

DE-2017-071

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 227, cited as "Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004, Amendment No. 2, 2017", be amended by changing the word "Gabriola" to "Denman" in item 27.

CARRIED

DE-2017-072

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 227, cited as "Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004, Amendment No. 2, 2017", be read a first time, as amended.

CARRIED

DE-2017-073

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 227, cited as "Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004, Amendment No. 2, 2017", be read a second time.

CARRIED

DE-2017-074

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 227, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004, Amendment No. 2, 2017”, be read a third time.

CARRIED

DE-2017-075

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 227, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004, Amendment No. 2, 2017”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

By general consent the meeting was recessed at 11:56 am and reconvened at 12:17 pm.

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated September 26, 2017

Regional Planning Manager Kjerulf provided an update on the Denman Island Farm Implementation priority, reporting that a staff report is anticipated for LTC consideration at the next business meeting.

13.1.2 Projects List Report dated September 26, 2017

LTC members reviewed the Projects List and discussed updating the description of the “GHG Reduction” project and activity.

DE-2017-076

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee change the wording of the project “GHG Reduction” to “Climate Change Adaptation and Mitigation”.

CARRIED

DE-2017-077

It was MOVED and SECONDED,

that the activity under the Denman Island Projects List item “Climate Change Adaptation and Mitigation” be changed to read “Consider regulations to promote climate change adaptation and mitigation”.

CARRIED

13.2 Applications Report dated September 26, 2017

Received.

13.3 Trustee and Local Expense Report dated August, 2017

A Trustee requested a summary of the expenditure for the Denman Island Design Charrette. Staff responded that the \$5,000 expense for the project includes accommodation and transportation costs with other professional services having been donated.

Trustees recognized the efforts of the Vancouver Island University (VIU) Master of Community Planning (MCP) students and faculty in this initiative and discussed approaches to express their appreciation.

DE-2017-078

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to write a letter of appreciation to the two planners who participated in the Denman Island Village Design Charrette and include a small gift of appreciation.

CARRIED

13.4 Adopted Policies and Standing Resolutions - none**13.5 Local Trust Committee Webpage**

There were no changes or additions requested to the Denman Island webpage.

13.6 Chair's Report

Chair Grams reported that he had attended the Union of BC Municipalities (UBCM) convention that included meetings with Ministers.

13.7 Trustee Reports

Trustee Critchley reported on his attendance at the following:

- An Old School Committee meeting;
- A conference call regarding a potential Baynes Sound project involving the World Wildlife Fund;
- The Denman Island Village Design Charrette;
- Trust Council; and
- The annual beach cleanup effort.

Trustee Busheikin reported that activities since the last meeting include:

- World Wildlife Fund conference call;
- DCLTA's public Community Information Meeting;

- Trustee Office Hours;
- UBCM Convention, noting that the workshop on Vacation Rentals was informative; and
- Calls taken from concerned community members regarding tree cutting.

13.8 Electoral Area Director's Report - none

13.9 Trust Fund Board Report - none

14. NEW BUSINESS

14.1 The Role of an Advisory Planning Commission (APC) - for discussion

A Trustee proposed it might be useful to include names of APC members on the Islands Trust website for general public information and solicited feedback regarding that suggestion. Discussion followed and Trustees observed that this information is public and available and did not warrant specific website delineation.

14.2 Comox Valley Regional District (CVRD) Meeting

Trustees observed that there are topics for discussion at the annual CVRD meeting which is normally held in conjunction with Hornby Island Trustees. Staff indicated that they will make arrangements to schedule this meeting.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, November 14, 2017 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the next regular meeting date, time and location.

16. TOWN HALL - none

17. ADJOURNMENT

By general consent the meeting was adjourned at 12:35 pm.

George Grams, Chair

Certified Correct:

Vicky Bockman, Recorder

Follow Up Action Report

Denman Island

19-Apr-2016

Activity	Responsibility	Target Date	Status
Monitor Regional District of Nanaimo Electoral Area H Official Community Plan Review and report to LTC about pertinent issues and opportunities to participate. Update Mar. 7th: Expecting referrals in June 2017.	Marnie Eggen		On Going
Organize CIM with presentations on eelgrass, forage fish habitat and aquaculture practices and future plans; invite participation from BC Shellfish Growers Association and Komoks; staff to engage a facilitator for CIM if required	Marnie Eggen David Critchley Laura Busheikin		On Going

02-May-2017

Activity	Responsibility	Target Date	Status
Public presentation by Islands Trust Senior Intergovernmental Policy Advisor on First nations engagement and follow up presentations by Komoks members and representatives. Public presentation held June 4, 2017.	Fiona MacRaid	11-Jul-2017	On Going
Where possible and appropriate, influence the content of signage to include First Nations place names and context of indigenous use of places.	Fiona MacRaid		On Going

06-Jun-2017

Activity	Responsibility	Target Date	Status
Staff to provide a report considering options for prioritizing affordable housing rezoning applications.	Marnie Eggen	14-Nov-2017	On Going

Follow Up Action Report

01-Aug-2017

Activity	Responsibility	Target Date	Status
Staff to receive feedback from trustees regarding OCP amendments dealing with First Nations issues and bring back a brief written or verbal report to the next meeting.	Ann Kjerulf	14-Nov-2017	On Going
Staff to organize a presentation by representatives of the Komoks Nation about First Nations traditional knowledge and stewardship practices.	Fiona MacRaid	01-Nov-2017	On Going
That Bylaw 223 (proposed amendments for agriculture, intensive agriculture, limited agriculture, etc.) be referred to the APC and Growers and Producers Alliance as part of the Farm Plan Implementation project. GPA to provide feedback after October 19, 2017 meeting.	Ann Kjerulf	14-Nov-2017	Done

03-Oct-2017

Activity	Responsibility	Target Date	Status
Staff requested to issue DE-DP-2017.1.	Becky McErlean Marnie Eggen Penny Hawley	20-Oct-2017	Done
Staff to send a letter to aquaculture tenure holders clarifying the intent and limitations of Proposed Bylaw No. 225, accompanied by educational materials with respect to the Islands Trust Object and impacts of driving on the beach.	Ann Kjerulf		On Going
Staff to confirm the status LPC Housing Strategy work.	Marnie Eggen		On Going
Staff to return with an amendment to the information note within Proposed Bylaw No. 225, clarifying its intent.	Ann Kjerulf		On Going
Staff to provide a letter of appreciation and small gift to Denman Village Charrette planners.	Ann Kjerulf Wil Cottingham		On Going

Follow Up Action Report

Forward Proposed Bylaw No. 227 (Electronic Meetings) to the Executive Committee
for approval.

Becky McErlean

Done

From: Fettes, Lesley FLNR:EX [<mailto:Lesley.Fettes@gov.bc.ca>]
Sent: Tuesday, October 10, 2017 3:25 PM
To: Ann Kjerulf
Cc: Mayser, Rudi E FLNR:EX
Subject: RE: Denman LTC Decision Notification

Hi Ann,

I must again apologize for the delay!

We have consulted with our colleagues in the region and provincially as well. As this is a unique situation, with a small geographic area (i.e. Denman island) and specific to aquaculture, we can accommodate the request by the Denman Island Local Trust Committee. To be clear, we can provide this notification upon decision for new and amendment aquaculture applications.

You can also share with the Denman Island LTC that due to ongoing consultation with First Nations we haven't made any decisions in the Baynes Sounds area for a while. It is likely to be a few months before they receive any decision notifications.

Let me know if you have any questions.

Best Regards,
Lesley

Lesley Fettes
Section Head, Aquaculture
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
phone: (250) 897-7541



REQUEST FOR DECISION

TO: Denman Local Trust Committee
Bowen Island Municipality

For the meeting of: November 14, 2017
Date: October 12, 2017

FROM: Islands Trust Fund

SUBJECT: REFERRAL OF ISLANDS TRUST FUND FIVE YEAR PLAN

RECOMMENDATION:

That the Denman Island Local Trust Committee/Bowen Island Municipality receive the draft Islands Trust Fund Five Year Plan for information.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None

FINANCIAL: None

POLICY: Consistent with policy.

IMPLEMENTATION/COMMUNICATIONS: The Islands Trust Fund Plan has been referred to all local trust committees and Bowen Island Municipality, as well as First Nations with interests in the Trust Area and Trust Council. Comments received will be considered and addressed. The Trust Fund Board intend to submit a final plan to the Minister of Municipal Affairs and Housing in December 2017 with a request for approval.

BACKGROUND

The *Islands Trust Act* requires that the Trust Fund Board prepare and submit to the Minister, at least once every five years, a plan for the Islands Trust Fund respecting policies on acquisition, management, and disposal of property, investment of money, goals for major acquisitions, and other matters as required.

Islands Trust Policy 3.3.ii Islands Trust Fund and Local Planning Services Coordination (TFB Policy 3.1) requires the plan to be referred to every LTC and Island Municipality for comment. The Trust Fund Board will also be submitting the plan to Trust Council for comment at its December 2017 meeting.

The Islands Trust Fund Plan is administrative in nature, and explains current Trust Fund Board policies on land acquisition, management and disposition of land, and investment of funds. It also summarizes the goals of the draft Regional Conservation Plan.

It is important to distinguish between the Islands Trust Fund Five Year Plan which requires Ministerial approval under the *Islands Trust Act*, and the Regional Conservation Plan, which provides science-based operational direction to the Trust Fund Board and its staff. The documents are complementary, but serve different functions.

REPORT/DOCUMENT: [Draft Islands Trust Fund Five Year Plan](#)

RELEVANT POLICY: Islands Trust Policy 3.3.ii Islands Trust Fund and Local Planning Services Coordination (TFB Policy 3.1)

DESIRED OUTCOME: Local Trust Committee/Islands Municipality review of the Islands Trust Fund Five Year Plan and approval of plan from the Minister of Municipal Affairs and Housing.

RESPONSE OPTIONS

Recommended: That the Denman Island Local Trust Committee/Bowen Island Municipality receive the draft Islands Trust Fund Plan for information.

Alternatives: That the Denman Island Local Trust Committee/Bowen Island Municipality provide the following comments on the Islands Trust Fund Five Year Plan:

PREPARED BY: _____
Jennifer Eliason
Islands Trust Fund Manager

REVIEWED BY: _____
Clare Frater
Director of Trust Area Services



BRIEFING

To: Denman Island Local Trust Committee/
Bowen Island Municipality
From: Kate Emmings, Ecosystem Protection
Specialist

For the Meeting of: November 14, 2017
Date prepared: October 11, 2017

SUBJECT: REFERRAL OF DRAFT ISLANDS TRUST FUND REGIONAL CONSERVATION PLAN 2018-2027

PURPOSE:

The Islands Trust Fund has completed a draft of its Regional Conservation Plan 2018-2027 and is providing it for information to all local trust committees and to the Bowen Island Municipality. The draft Regional Conservation Plan is also being shared with all First Nations with interests in the Islands Trust Area as well as conservation partners.

BACKGROUND:

Why a Regional Conservation Plan?

The rich diversity of life in the Islands Trust Area makes the region ecologically significant, not only locally, but globally. Most of the region is within the Coastal Douglas-fir zone, one of the rarest of British Columbia's 16 biogeoclimatic zones. The Douglas-fir ecosystems of this zone, including Garry oak and associated ecosystems, are globally rare – in the entire world they occur only on the east coast of southern Vancouver Island, the islands of the Georgia Basin, and a small area of the mainland. The Islands Trust Area is also home to several other sensitive ecosystems and hundreds of rare terrestrial and marine plants and animals.

Despite its ecological significance, biodiversity in the Islands Trust Area is exposed to significant threats. With over 68% of the Islands Trust Area in private land ownership and over 3.3 million people living in the surrounding areas, the pressures to develop and change the natural landscape in the islands are substantial.

Because of the significance of the ecosystems found in the Islands Trust Area and the threats they are under, conservation planning is an important tool to ensure that the natural beauty that draws so many to the region is not lost. Since 2005, the work of the Trust Fund Board and, in some cases, the Islands Trust's local planning work, has been guided by Regional Conservation Plans.

What's in the Regional Conservation Plan?

The Regional Conservation Plan provides background on the ecosystems in the Islands Trust Area, evaluates their current status, identifies priorities and threats, and sets goals and objectives for the next ten years. The goals identified in the draft 2018-2027 Regional Conservation Plan are:

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities
2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals

3. Continue to secure and manage Trust Fund Board lands and conservation covenants to maximize ecological integrity
4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

Local trust committees and the Bowen Island Municipality will find island profiles in Appendix II with information specific to their area of interest.

When will the Regional Conservation Plan Begin?

The draft Regional Conservation Plan will cover a ten-year period and will begin with approval of the Trust Fund Board. Review and approval of the final draft will happen in early 2018. The final Regional Conservation Plan will be provided to the Trust Council in March 2018 with a request for endorsement.

Who will the Regional Conservation Plan affect?

The Regional Conservation Plan directs the work of the Trust Fund Board and its staff. It is not binding on the work of the local trust committees, Bowen Island Municipality or Trust Council, although each of these corporate bodies may choose to incorporate elements of the plan into their work.

How will the Regional Conservation Plan be implemented?

The Trust Fund Board will implement the Regional Conservation Plan through three-year work plans, which will be approved by the Trust Fund Board and will be implemented by staff. At the end of each three-year period, staff will evaluate progress and set the next three-year work plan with the Trust Fund Board.

ATTACHMENT(S): [Draft Regional Conservation Plan 2018-2027](#)

FOLLOW-UP:

If the local trust committee or Bowen Island Municipality chooses to provide comment, they should pass a resolution citing comments and direct staff to relay the comments to Islands Trust Fund staff. Feedback will be considered by the Trust Fund Board when it finalizes its Regional Conservation Plan at its first meeting in 2018.

Prepared By: Kate Emmings, Ecosystem Protection Specialist

Reviewed By/Date: Jennifer Eliason, Islands Trust Fund Manager/October 6, 2017



MEMORANDUM

File No.: 3410-20
(Cross Island Trail)

DATE OF MEETING: November 14, 2017
TO: Denman Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
SUBJECT: Application to the Agricultural Land Commission for a Statutory Right-of-Way for Recreational Trail Use within the Agricultural Land Reserve (Cross Island Trail)

PURPOSE

The memorandum provides information about an application to the Agricultural Land Commission (ALC) for a proposed statutory right-of-way for recreational trail use within the Agricultural Land Reserve (ALR) as a part of the Cross Island Trail, which is being constructed by the Comox Valley Regional District. While this is not a formal referral from the ALC, the LTC is welcome to provide comments to the ALC on the application.

DISCUSSION

The Comox Valley Regional District (CVRD), on behalf of Orkney Farms Ltd, is seeking approval from the ALC for a recreational trail statutory right-of-way (SRW) along the western edge of a road dedication (East Road) on a portion of a hooked land parcel. The SRW is proposed to be 150 metres long and 4 metres wide, covering an area of approximately 0.06 hectares. The proposed recreational trail would be for non-motorized use only. The proposed SRW would encroach onto private land and the landowner of the subject property is supportive of the proposal (see Attachments).

This application falls into Priority #1 (Cross island ferry-to-ferry multi-use trail/greenway) within the [CVRD Denman Parks and Greenway Master Plan](#), which was adopted by the Denman Island Local Trust Committee (LTC) as Schedule 'D' of the Denman Island Official Community Plan Bylaw No. 185 (OCP).

The proposal appears to be consistent with the Denman Island Official Community Plan trail policies:

- Policy 13 - All new trails should be constructed in such a way that negative impacts on the land is minimised and intrusion into environmentally sensitive areas and agricultural land is minimised.
- Policy 14 - A trail system that provides a safe and inviting link between neighbourhoods and destination points should be supported. Wherever desirable, trails should be dedicated as parkland at the time of subdivision.
- Policy 15 - The development of trails along new and existing roads in the road right-of-way should be supported as a means of providing safe non-vehicular access on Denman Island. A trail system should be constructed that is safe and inviting, that parallels existing and new roads and that does not to alter the rural character of the road.
- Policy 19 - The Local Trust Committee should not support the dedication and construction of roads or servicing corridors through conservation or through agricultural land, unless the need for the road clearly outweighs agricultural considerations.

ALTERNATIVES

1. Receive for information
2. Forward Comments to the ALC

Should the LTC wish to forward comments to the ALC, the resolution may be worded as follows:

That the Denman Island Local Trust Committee request staff to inform the Agricultural Land Commission that the Local Trust Committee has reviewed the application for a statutory right-of-way within the Agricultural Land Reserve to accommodate the construction of the Cross Island Trail and would like to express [support/concerns as follows].

NEXT STEPS

Staff will forward any comments from the LTC to the ALC.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	November 3, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 3, 2017

ATTACHMENTS

1. Agricultural Land Commission application from Comox Valley Regional District for a Statutory Right of Way over Agricultural Land Reserve
2. Proposed SRW - Cadastral
3. Proposed SRW – Airphoto
4. Letter from Orkney Farms

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 56932

Application Status: In Progress

Applicant: Orkney Farms Ltd

Agent: Comox Valley Regional District

Local Government: Islands Trust Regional District

Local Government Date of Receipt: This application has not been submitted to local government yet.

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Transport, Utility, & Recreation

Proposal: As per section 6 (c)(ii) of the Agricultural Land Use, Subdivision and Procedure Regulation of the Agricultural Land Commission Act, the Comox Valley Regional District (CVRD) is seeking approval for a statutory right-of-way (SRW) along the western edge of a road dedication (East Road) on a portion of a hooked land parcel. The SRW is proposed to be 150 metres long and 4 metres wide, covering an area of approximately 0.06 hectares. The proposed SRW alignment would make use of the height of land.

The proposed recreational trail would be for non-motorized use only.

Of special note to this application:

1. The CVRD has approval for the Ministry of Transportation and Infrastructure (MOTI) to build the trail within the road dedication and the CVRD is currently constructing the trail. Construction of the trail began in mid August of 2017 and the CVRD has until October 31, 2017 to complete the trail project (as per MOTI permit).
2. The current trail project involves 1000 lineal metres of trail located within the road dedication from Swan Road to Corrigal Road. This SRW alignment would only involve a small portion of the trail.
3. The proposed SRW has the support of the landowner. In late September of 2017, the land owner approached the CVRD (during the trail construction project) and requested this portion of the trail be moved further away from the road and onto his property. This would make the trail safer for trail users.
4. Currently the CVRD has been approved by MOTI to build this section of the trail within the road dedication, but the construction involves an engineered geo-bag retention system. This retention system was required by MOTI because a minimum road ditch width must be maintained. The requirement to maintain a minimum road ditch width severely restricts the width of the potential trail within the road dedication and further, it means hydro poles will be located within the trail alignment - a potential safety concern for trail users.
5. East road is of some concern to MOTI as the road is constructed on a steep embankment and is the principle road on Denman Island which carries the ferry traffic to and from Hornby Island. Hence the requirement to ensure the functionality of the road ditch is maintained.
6. Moving the alignment upland meets the objectives of the Islands Trust Denman Island Official Community Plan, Bylaw No. 185, namely:
 - a. Trail system that provides a safe and inviting link between neighbourhoods and destination points should be supported.

****** A quick reply would be greatly appreciated by the CVRD as the construction is currently underway and is required to be finished by October 31, 2017.

Agent Information

Agent: Comox Valley Regional District

Mailing Address:

600 Comox Road

Courtenay, BC

V9N 3P6

Canada

Primary Phone: (250) 334-6067

Email: mharrison@comoxvalleyrd.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 000-560-227

Legal Description: Lot A Section 16 Nanaimo District Plan 41251

Parcel Area: 30 ha

Civic Address: Denman Island

Date of Purchase: 07/06/1984

Farm Classification: Yes

Owners

1. **Name:** Orkney Farms Ltd

Address:

C/O Naomi Elliot, 1171 East Road

Denman Island, BC

V0R 1T0

Canada

Phone: (250) 335-1663

Email: naomielliot0@gmail.com

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

Agriculture currently taking place on the land parcel include: 14 head of beef cattle, 6 pigs, eggs and hay. Also some small quantities of fruit are harvested from a small orchard. In total the land parcel has 35 acres of fields of which 17 acres are used for grazing and 18 acres are used for hay production.

The lack of water and quality of the soil limit the ability for more extensive agriculture. Currently the land owners subsidize the farming operations to a considerable extent each year.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

According to the land owner, agricultural improvements to the land were done in the early 1900's. The farm has remained relatively the same since that time. Agricultural improvements included the clearing of land, fencing and the planting of a small orchard.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

The land parcel contains four residential homes including the original 1897 farmhouse.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Beef Cattle and Hay. Also single family residential subdivision.

East

Land Use Type: Other

Specify Activity: Pacific Ocean - Lambert Channel

South

Land Use Type: Agricultural/Farm

Specify Activity: Hay and hazelnuts.

West

Land Use Type: Other

Specify Activity: Religious hermitage

Proposal

1. What is the purpose of the proposal? Include the length and average width of the proposed project.

As per section 6 (c)(ii) of the Agricultural Land Use, Subdivision and Procedure Regulation of the Agricultural Land Commission Act, the Comox Valley Regional District (CVRD) is seeking approval for a statutory right-of-way (SRW) along the western edge of a road dedication (East Road) on a portion of a hooked land parcel. The SRW is proposed to be 150 metres long and 4 metres wide, covering an area of approximately 0.06 hectares. The proposed SRW alignment would make use of the height of land.

The proposed recreational trail would be for non-motorized use only.

Of special note to this application:

- 1. The CVRD has approval for the Ministry of Transportation and Infrastructure (MOTI) to build the trail within the road dedication and the CVRD is currently constructing the trail. Construction of the trail began in mid August of 2017 and the CVRD has until October 31, 2017 to complete the trail project (as per MOTI permit).*
- 2. The current trail project involves 1000 lineal metres of trail located within the road dedication from Swan Road to Corrigan Road. This SRW alignment would only involve a small portion of the trail.*
- 3. The proposed SRW has the support of the landowner. In late September of 2017, the land owner approached the CVRD (during the trail construction project) and requested this portion of the trail be moved further away from the road and onto his property. This would make the trail safer for trail users.*
- 4. Currently the CVRD has been approved by MOTI to build this section of the trail within the road dedication, but the construction involves an engineered geo-bag retention system. This retention system was required by MOTI because a minimum road ditch width must be maintained. The requirement to maintain a minimum road ditch width severely restricts the width of the potential trail within the road dedication and further, it means hydro poles will be located within the trail alignment - a potential safety concern for trail users.*
- 5. East road is of some concern to MOTI as the road is constructed on a steep embankment and is the principle road on Denman Island which carries the ferry traffic to and from Hornby Island. Hence the requirement to ensure the functionality of the road ditch is maintained.*
- 6. Moving the alignment upland meets the objectives of the Islands Trust Denman Island Official Community Plan, Bylaw No. 185, namely:*
 - a. Trail system that provides a safe and inviting link between neighbourhoods and destination points should be supported.*

*** A quick reply would be greatly appreciated by the CVRD as the construction is currently underway and is required to be finished by October 31, 2017.*

2. Specify any agricultural activities such as livestock operations, greenhouses or horticultural activities in proximity to the proposal. Please include the farm activity's location relative to the proposal.

Agricultural activities in proximity to the SRW proposal include cattle and hay production. A small residential garden is also located adjacent to the proposed SRW.

The proposed SRW should not reduce the amount of field currently being used for hay production because of the configuration of the field and the fact that a significant portion of the proposed SRW is covered in hedgerow and is currently not available for haying.

3. What steps will you take to reduce potential negative impacts on surrounding agricultural lands?

The CVRD proposes to undertake the following to reduce impacts on the surrounding agricultural lands:

- 1. The CVRD will undertake invasive species removal as part of the ongoing trail maintenance program.*
- 2. The CVRD will erect an agricultural paige wire fence along the western edge of the SRW.*

4. Could this proposal be accommodated on lands outside of the ALR? Include all alternative corridor alignment considerations. Alternate alignment maps can be uploaded in the Upload Attachments section.

This trail alignment could be accommodated within the road dedication, which bisects the land parcel.

Although approval for a trail alignment within the road dedication has been received, the CVRD and the land owner would prefer the trail be located upland and further away from the road for the following reasons:

- 1. East road can be a very busy road, therefore moving the trail further upland will provide additional safety for trail users.*
- 2. Shifting the trail upland will reduce the construction impacts.*
- 3. Shifting the trail upland will allow the trail width to be maintained and will provide a better experience for trail users.*

5. Total area of corridor 0.1 ha

6. All affected property owners with land in the ALR must be notified as required by Section 7 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation. Please attach the "Transportation, Utility, and Recreational Trail Use Proof of Serving Notice" in the "Upload Attachments" section. I confirm that all affected property owners with land in the ALR have been notified.

Yes

Applicant Attachments

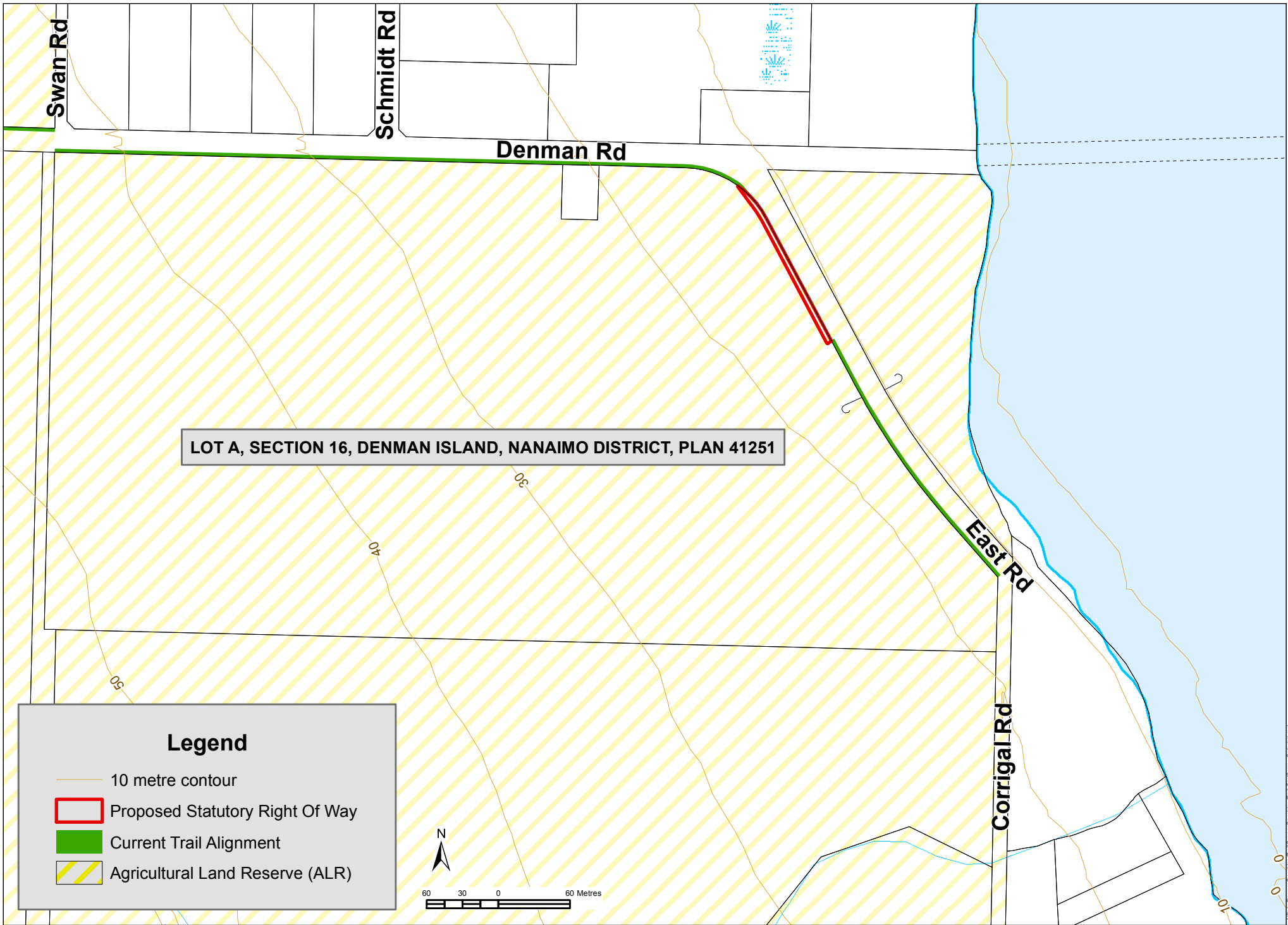
- Agent Agreement - Comox Valley Regional District
- Other correspondence or file information - Agent authorization - Farm personal
- Proposal Sketch - 56932
- Other correspondence or file information - Ortho Map
- Notice of Affected Landowners - 56932
- Site Photo - Site Photos
- Certificate of Title - 000-560-227

ALC Attachments

None.

Decisions

None.



Swan Rd

Schmidt Rd

Denman Rd

East Rd

Corrigan Rd

3

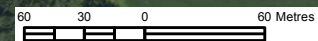
2

1

Legend

-  Photo Location and Direction
-  Proposed Statutory Right Of Way
-  Current Trail Alignment

Legal Description of Land:
LOT A, SECTION 16, DENMAN ISLAND,
NANAIMO DISTRICT, PLAN 41251



Orkney Farms Ltd.

1171 East Road
Denman Island, V0R 1T0
250 335 1663
naomielliott0@gmail.com

October 6, 2017

Agricultural Land Commission
133 - 4940 Canada Way,
Burnaby, BC, V5G 4K6
Attn. Sara Huber, Planner

CROSS ISLAND TRAIL ON DENMAN ISLAND - LETTER OF SUPPORT FOR SRW

Dear Sara

I am writing this letter in support of a proposed Statutory Right of Way ("SRW") in favor of the Comox Valley Regional District ("CVRD") over land owned by Orkney Farms Ltd. (the "Farm") in connection with the Cross Island Trail (the "Trail") on Denman Island.

I am a director of the Farm, as well as the manager of the farming activities that take place on the Farm. I reside in the original farmhouse (circa 1897) on the Farm, shown in the attached picture.

I am very familiar with the area of the proposed SRW – it is at the bottom of my vegetable garden, the bottom of the little grazing field below the barn, and the bottom of a field that I recently ploughed and reseeded and from which I harvested a first crop of hay this spring.

Basically the proposal is that the Trail will encroach on the Farm along East Road from my driveway to the corner at Denman Road, but only to the extent necessary to avoid having to use geobags along the ditch – without the proposed SRW the Trail along this section would require considerable engineering work to make it safe.

My belief is that the benefits of this proposal include the following, all with virtually no loss of usable farm land:

- a safer, more natural, and more attractive Trail;
- elimination or reduction of the existing brambles along East Road within the SRW;

- creation of a barrier (being the Trail itself) which will hopefully prevent the brambles from taking over the bottom of my vegetable garden, the grazing field and the hay field again; and
- preservation of much of a native rose hedge row near the corner.

I confirm that the Farm is working closely with the CVRD and their (local) contractors on the Trail project and I am very pleased with their work and the efforts they are taking to minimize any adverse impact to the farming operations on the Farm.

I also confirm that the Farm has appointed Mark Harrison as its agent to make an application to you to approve the proposed SRW.

I would be pleased to answer any questions you may have – you may contact me by email or by telephone at the particulars noted for the Farm at the top of this letter.

Yours truly



Naomi Elliot, Director and Farm Manager
Orkney Farms Ltd.



Shows area of proposed SRW along East Road between my driveway and Denman Road



File No.: 3445-30
(RDN Referral – Electoral
Area 'H' OCP)

DATE OF MEETING: November 14, 2017

TO: Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) and Denman Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: Regional District of Nanaimo Referral - Proposed Bylaw 1335.06, 2017
Electoral Area 'H' Official Community Plan

RECOMMENDATION

1. That the [Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) /Denman Island Local Trust Committee] request staff to prepare a referral response to the Regional District of Nanaimo Board to support the approval of Proposed Bylaw No. 1335.06, 2017 (Electoral Area 'H' Official Community Plan), and include a copy of the Islands Trust staff report dated November 14, 2017 and the following comments:
 - a) The subject marine area of Proposed Bylaw No. 1335.06, 2017 is within the Ballenas Winchelsea Islands Local Trust Area of the Islands Trust, and adjacent to the Denman Island Local Trust Area but located outside the respective Official Community Plan areas;
 - b) Pursuant to Islands Trust Policy Manual 5.9ii ([Planning, Regulation and Advocacy Initiatives: Outer Boundary of Islands Trust Area](#)) the [Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands)/Denman Island Local Trust Committee] has reviewed the proposed zoning amendments and deems Proposed Bylaw No. 1335.06, 2017 to be consistent with the [Islands Trust object and policy statement](#);
 - c) The Local Trust Committee strongly encourages the Regional District Board to implement policy 9 in Section 4.3 Community Water and Sewer Systems, to implement a mandatory septic maintenance program; and
 - d) The RDN Board be asked to consider amending proposed Map 1 of the OCP to include the jurisdictional boundaries of the Local Trust Areas for both the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) and Denman Island Local Trust Committee.

REPORT SUMMARY

The purpose of this report is to provide a recommended referral response to the Nanaimo Regional District Board (RDN) regarding the proposed review of the Official Community Plan that applies to all of Electoral Area 'H' of the RDN, including the unincorporated communities of Deep Bay, Bowser, Qualicum Bay, Dunsmuir, Horne Lake, Spider Lake and surrounding areas. Area 'H' boundaries coincide with the marine area of the Executive Committee acting as a Local Trust Committee (Ballenas-Winchelsea Islands) and is directly adjacent to the Denman Local Trust Area boundary.

BACKGROUND

The current Electoral Area 'H' Official Community Plan (OCP) was adopted by the RDN in 2004, and in 2010 the Bowser Village Plan was adopted as part of the OCP through extensive public engagement. Since 2015 the RDN has been working on proposed revisions including enhanced development permit areas (DPA's) to the OCP. The RDN gave first and second reading to [Proposed Bylaw 1335.06, 2017](#) in October 2017 and has referred the bylaw to agencies and First Nations for comment.

ANALYSIS

Policy/Regulatory

Pursuant to Islands Trust Policy Manual 5.9ii '*Planning, Regulation and Advocacy Initiatives: Outer Boundary of Islands Trust Area*', Policy 2.1, the LTC is to provide advocacy comments based on the object of the Trust, the Islands Trust Policy Statement and any relevant Official Community Plan.

Islands Trust Policy Statement:

The Policy Statement is fundamental to the operations of the Islands Trust. It is also used by external agencies such as the regional districts whose jurisdiction coincides with the Islands Trust Area to determine if their plans and policies are compatible with those of Islands Trust. The following Islands Trust Policy Statements are relevant to the consideration of the proposed OCP:

3.1.11 Trust Council encourages agents of the government of British Columbia or the Government of Canada, Crown corporations, municipalities, regional districts, non-government organizations, property owners and occupiers to protect environmentally sensitive areas and significant natural sites, features and landforms through voluntary stewardship, acquisitions, conservation covenants and careful management.

3.3.3 Trust Council encourages government agencies, non-government organizations, property owners and occupiers to protect freshwater bodies, watercourses, wetlands, riparian zones and aquatic wildlife habitats through voluntary donation, acquisition, conservation covenants and careful management.

4.5.3 It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

Through the use of policies and development permit areas, proposed bylaw 1135.06, 2017 would provide protection to the area's environmentally sensitive features such as aquifers, streams, coastal areas, eagle and heron nests. The OCP includes policies that would apply at the time of rezoning, policies that would encourage property owners to protect these sensitive areas, and policies that communicate the community's preference to other levels of government and other agencies.

4.5.4 It is the position of Trust Council that development, activity, buildings or structures should not restrict public access to, from or along the marine shoreline.

The proposed OCP provides protection to the marine shoreline and 30 metres seaward of the natural boundary of the sea through a Marine Development Permit Area and prohibition of private docks.

5.6.1 Trust Council holds that the natural and human heritage of the Trust Area — that is the areas and

property of natural, historic, cultural, aesthetic, educational or scientific heritage — should be identified, preserved, protected and enhanced.

The proposed OCP includes objectives and policies specific to the protection of archaeological sites and other sites of First Nations significance.

Official Community Plan:

The proposed marine area does not fall within the Denman or Ballenas-Winchelsea Islands OCP planning areas. However, the following relevant OCP advocacy policies do apply to the proposed OCP:

Denman Island OCP

“C.3 Advocacy Policy 1) Advocacy Policy 1 The Ministry of Transportation and Infrastructure and the Water Management Branch of the Ministry of Environment are encouraged to regulate the drainage of upland surface water and the maintenance of septic systems...”

Although this Denman OCP policy advocates that the Ministry of Transportation regulate the maintenance of septic systems, the Electoral Area ‘H’ proposed OCP contains the following policy in section 4.3 Policy 9:

“This Plan supports establishing a mandatory septic maintenance program in all areas not serviced by community sewer system in order to protect the environment including surface, marine and ground water from contamination.”

Ballenas-Winchelsea Islands OCP

Section 3.7 Policies for Parks, Recreation and Conservation Areas

“3.7.10 The LTC should encourage the regional district and provincial and federal governments to identify and designate areas for low impact recreational activities that reflect the undisturbed nature of the area and discourage facilities and opportunities for high impact recreational activities in the planning area.”

Section 3.9 Transportation Policies

“3.9.2 The LTC should support efforts by residents, local governments and agencies to ensure that reasonable access including safe passage and moorage is provided to the plan area from adjacent regional districts and municipalities.”

Land Use Bylaw:

The proposed OCP includes a marine area that is within an un-zoned portion of the Ballenas-Winchelsea Islands Local Trust Area; however, the RDN currently has several marine zones under Zoning Bylaw No. 500.

Protocols

At this time, only the Gabriola Island Local Trust Committee has a protocol agreement with the RDN, which sets out the principals for cooperation and communication between the respective agencies.

Agencies

The proposed OCP is being referred to several agencies.

First Nations

The proposed OCP is being referred to several First Nations.

Rationale for Recommendation

Proposed Bylaw 1335.06, 2017 would introduce a new OCP for Electoral Area 'H' that is consistent with the Islands Trust Policy Statement and neighbouring Local Trust Area OCP's. Staff recommends support of the proposed OCP as indicated on Page 1 of the report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

2. Provide additional comments in support or not in support of the proposed bylaw

The LTC may provide additional comments to the RDN Board either in support or non-support of the proposed OCP.

NEXT STEPS

Staff will forward the LTC resolution to the RDN Board.

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	November 6, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 6, 2017

ATTACHMENTS

1. Letter from RDN – October 27, 2017



Celebrating
50 Years
1967-2017

October 27, 2017

Sonja Zupanec, Island Planner
Islands Trust – Ballenas-Winchelsea Local Trust Committee
700 North Road
Gabriola Island, BC V0R 1X3

Dear Ms. Zupanec,

Re: Electoral Area 'H' Official Community Plan Review

The Regional District of Nanaimo (RDN) Board at its regular meeting held October 24, 2017 has given first and second reading to "*Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335.06, 2017*". Please visit our website at www.rdn.bc.ca/board-reports-and-draft-ocp for a copy of the bylaw under consideration. If you prefer to receive a hard copy you may request one by contacting me at (250) 390-6510 or at csimpson@rdn.bc.ca.

The proposed Official Community Plan applies to all of Electoral Area 'H' of the Regional District of Nanaimo including the unincorporated communities of Deep Bay, Bowser, and Qualicum Bay, Dunsuir, Horne Lake and Spider Lake, and surrounding rural areas.

We are requesting comments on the proposed Official Community Plan as it relates to your agency's responsibilities. Please send your comments to the email address below or by mail to the Regional District of Nanaimo Planning Department located at 6300 Hammond Bay Road, Nanaimo, BC, V9T 6N2 no later than November 28, 2017. If we do not receive your comments by this date we will assume that your agency has no objections to the proposed Official Community Plan.

If you have any questions or require clarification, please do not hesitate to contact me by telephone or by email at csimpson@rdn.bc.ca. Copies of the existing OCP and other information related to the Electoral Area 'H' OCP Review can also be viewed on the project web site at www.rdn.bc.ca/areahocp.

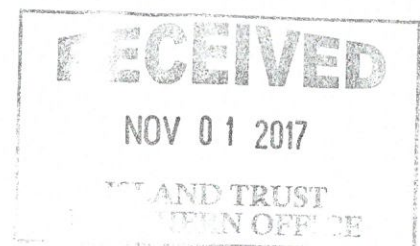
Sincerely,

Courtney Simpson, Senior Planner
Strategic and Community Development

Strategic and Community
Development
6300 Hammond Bay Rd
Nanaimo, B.C.
V9T 6N2

Tel: 250-390-6510
Toll Free: 1-877-607-4111
Fax: 250-390-4163

RDN Website: www.rdn.bc.ca





DATE OF MEETING: November 14, 2017
TO: Denman Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Denman Island Farm Plan Implementation Project

RECOMMENDATION

1. That the Denman Island Local Trust Committee request staff to draft bylaws to amend the Official Community Plan and Land Use Bylaw in order to implement recommendations of the Denman Island Farm Plan and to provide updated policies and regulations in relation to agricultural land use on Denman Island, in accordance with the "Synthesis of Referral Responses" attached to the Staff Report dated November 14, 2017.
2. That the Denman Island Local Trust Committee endorse the revised Denman Island Farm Plan Implementation Project Charter v.4 dated November 3, 2017.

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider the referral responses from the Advisory Planning Commission and Denman Growers and Producers Alliance and corresponding staff analysis of these responses, in relation to the Denman Island Farm Plan Implementation Project. A revised project charter is also presented for LTC consideration.

BACKGROUND

Proposed Official Community Plan (OCP) and Land Use Bylaw (LUB) Amendments in relation to the implementation of the Denman Island Farm Plan were previously referred by the LTC to the Denman Growers and Producers Alliance (GPA) and Advisory Planning Commission (APC) for comment on November 15, 2016. Subsequently, the LTC decided to include proposed LUB amendments (definitions and setback regulations for agriculture, intensive agriculture and feedlots) as part of the Farm Plan Implementation Project and also to refer these proposed amendments to the APC and GPA for comment. The LTC passed the following resolutions on June 6, 2017 and August 1, 2017 respectively:

DE-2017-047

It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee defer consideration of, or changes to, proposed Bylaw No. 223 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2016" to occur simultaneously with the Denman Island Farm Plan implementation project. **CARRIED**

DE-2017-064

It was **MOVED** and **SECONDED**,

That the Denman Island Local Trust Committee refer Bylaw No. 223 considerations (agriculture, intensive agriculture, feedlot definitions) to the Advisory Planning Commission and Growers and Producers Alliance as part of its work on Farm Plan Implementation. **CARRIED**

The GPA's response to the initial referral of proposed OCP and LUB amendments to implement the Denman Island Farm Plan was received by the LTC on May 2, 2017. The APC's response to both the initial referral related to the Farm Plan and subsequent Bylaw No. 223 referral response, were included in the October 3, 2017 LTC meeting agenda package. The GPA provided a response to the subsequent referral of Bylaw No. 223 on October 28, 2017 (Attachment 1).

For further background regarding the Denman Island Farm Plan Project and previous APC and GPA referral responses, please refer to the Denman Island Farm Plan Implementation Project website:

www.islandstrust.bc.ca/islands/local-trust-areas/denman/projects-initiatives/denman-island-farm-plan-implementation.

ANALYSIS

Outline of Referral Requests

The initial referral in relation to Denman Island Farm Plan requested consideration of 13 proposed OCP policy amendments, 9 LUB amendments and an amendment to the Development Approval Information bylaw, as detailed on pages 3 and 4 of the November 15, 2016 staff report, and was supplemented by LTC comments on this report.

The subsequent referral in relation to proposed Bylaw No. 223, following the June 6, 2017 LTC meeting, requested that the GPA and APC consider the following LUB amendments:

- Replacing the definitions of "agriculture", "intensive agriculture" and "feedlot";
- Adding a definition of "confined livestock area";
- Adding a 30 m setback requirement (to the natural boundary of a stream, lake, wetland or the sea) for buildings and structures associated with intensive agriculture, feedlots or used to accommodate domesticated animals other than household pets;
- Adding a general regulation to prohibit feedlots outside the Agricultural Land Reserve;
- Adding a 15-30 m setback requirement to lot lines where feedlots are permitted.

Proposed Bylaw No. 223, including amendments recommended by staff to the LTC at the June 6, 2017 meeting, is attached to this report (Attachment 2).

Synthesis of Referral Responses

Staff have analysed the responses to the referrals, and considered Agricultural Land Commission (ALC) and Ministry of Agriculture (MoA) policies and regulations where applicable, in order to formulate recommendations for the LTC (Attachment 3). The staff recommendations are as follows:

- 1.1 Add an OCP policy to support the provision of farm help accommodation in association with a bonafide farm use (as per the BC Assessment Act);
- 2.1 Add an OCP policy to support agritourism;
- 2.2 Add an OCP policy to support agritourism accommodation, subject to rezoning or temporary use permit (to address site-specific issues);
- 3.1 Designate TUP areas for agritourism accommodation on land in the ALR (*will require corresponding TUP guidelines in the Land Use Bylaw*);
- 4.1 Add an OCP policy to support agricultural processing uses and facilities on non-ALR land, subject to rezoning;
- 6.1 Designate TUP areas for "occasional markets, fairs and festivals" (which may include the W2 zone and other lands).

- 7.1 Add an OCP policy that reinforces agriculture as the priority use for ALR and other agricultural lands.
- 8.1 Add an OCP policy to discourage panhandle lots.
- 9.1 Add an OCP policy to support the consolidation of farm parcels in the ALR;
- 10.1 Defer consideration of screening/buffering to a future phase of farm plan implementation;
- 14.1 Add an OCP policy to support alternative land tenure agreements;
- 15.1 Create a new zone for farm processing and storage;
- 16.1 Add a height exemption for silos and grain bins;
- 17.1 Add a TUP guideline in the Land Use Bylaw for secondary dwellings in the A zone, to require secondary dwellings to be clustered with principle dwellings in order to avoid sterilization or fragmentation of farm land;
- 18.1 Add TUP Guidelines for “Occasional markets, fairs and festivals” to the Land Use Bylaw;
- 20.1 Amend the Land Use Bylaw to permit road side farm stands in setback areas subject to obtaining a Ministry of Transportation and Infrastructure permit;
- 21.1 Amend the Land Use Bylaw to include subdivision regulations to prohibit creation of panhandle lots;
- 22.2 Defer consideration of landscape screening and buffering consistent with recommendation 10.1;
- 23.1 Replace the definition of agriculture in the Land Use Bylaw;
- 23.2 Add Land Use Bylaw provisions for subsistence and/or limited agriculture;
- 24.1 Replace the definition of intensive agriculture in the Land Use Bylaw as per Bylaw 223;
- 25.1 Replace the definition of feedlot in the Land use Bylaw as proposed in Bylaw 223;
- 26.1 Add a definition of confined livestock area to the Land Use Bylaw as proposed in Bylaw 223;
- 27.1 Add a 30 m setback requirement to the Land Use Bylaw (to the natural boundary of a stream, lake, wetland or the sea) for buildings and structures associated with intensive agriculture, feedlots or used to accommodate domesticated animals other than household pets;
- 28.1 Add a general regulation to the Land Use Bylaw to prohibit feedlots outside the Agriculture Land Reserve; and
- 29.1 Add a 15-30 m setback to the Land Use Bylaw to lot lines where feedlots are permitted as per Bylaw 223.

Issues and Opportunities

While Denman Island has agricultural land uses occurring both within and outside the ALR, lands within the ALR are subject to the *ALC Act* and regulations which provide both liberties and limitations for landowners. Local governments have the ability in certain cases, to regulate but not prohibit, and in other cases, to prohibit uses, on lands within the ALR. Yet, the current Denman Island Land Use Bylaw makes no distinction in its definition of agriculture which is applied broadly across the island, both within and outside the ALR. A fundamental question that arises is, does Denman Island wish to broadly allow all agricultural uses that would be permitted under the *Right to Farm Act*, or does it want to provide some limitations to agricultural uses in certain zones or on lots under a certain size?

The Denman Growers and Producers Alliance have highlighted the distinction in the *Right to Farm Act* definition of agriculture, which refers to farm businesses, from the common practice of subsistence farming on Denman Island. Notably, the current definition of agriculture in the Land Use Bylaw does not refer to agriculture as a specifically commercial activity. It rather picks and chooses which components of the farm use definition to employ from the *Right to Farm Act*. Some items are excluded and other items that are excluded from the definition of the *Act*, are included in the Land Use Bylaw definition. Moreover, while the Land Use Bylaw is silent on the matter, all farm uses identified in the *ALR Subdivision, Use, and Procedure Regulation* are permitted on lands within the ALR. In essence, there is a difference in the scope of agricultural activities that may occur within or outside the ALR, but this difference is not clear in the Land Use Bylaw.

Amending the Land Use Bylaw definition of agriculture may assist in clarifying the distinction between farm lands within and outside the ALR. It may also be useful to create new land use bylaw provisions for subsistence agriculture and/or limited agricultural uses outside the ALR. This could be particularly helpful for smaller lots in characteristically residential neighbourhoods where nuisance issues may otherwise arise. The Gabriola Land Use Bylaw, for example, does not permit agriculture on lots less than 2 hectares in size but does permit the keeping of animals for personal use. Similar provisions may include some thresholds for the number of poultry, livestock or other animals that may be kept.

The GPA, in their initial referral response, indicated that a review of Development Permit Areas (DPAs) and how these affect farming should be considered in the Farm Plan Implementation project, that consideration of new DPAs related to farming would be forward-thinking, and if considered now, could save hassle later and help to resolve unanticipated future conflicts. The GPA also suggested that the Farm Plan insufficiently addresses water issues and made comments about the perceived inaccuracy of Development Permit Area 4 mapping, and concerns were also raised with respect to potential impacts of the *Water Sustainability Act*.

Staff recommend that a review of existing and potential Development Permit Areas in relation to farming be considered in a subsequent phase of the Farm Plan Implementation project. Staff have identified 24 potential bylaw amendments, which the LTC may wish to consider reducing further, in order to advance implementation of the Farm Plan. The addition of DPA reviews and water use issues will contribute to a lengthier and more complex bylaw amendment process.

Rationale for Recommendation

Staff have reviewed the responses from the APC and GPA in relation to Provincial legislation and policy direction, and formulated recommendations as summarized in Appendix 3 – Synthesis of Referral Responses. The recommended bylaw amendments will create further policy and regulatory support for productive agriculture on Denman Island while mitigating potential negative impacts in smaller-lot, residential areas. Once draft bylaws are prepared, these should be referred to the APC and GPA for review and feedback. A draft revised project charter is attached for LTC consideration. The staff recommendation is noted on Page 1 of the report.

ALTERNATIVES

- 1. Request further information**
- 2. Direct staff to draft alternative bylaw amendments.**

NEXT STEPS

Staff anticipate proceeding with the preparation of draft bylaws and presenting these for LTC consideration in early 2018.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 3, 2017
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ATTACHMENTS

- GPA Referral Response to Bylaw 223
- Proposed Bylaw 223 (with amendments recommended by staff)
- Synthesis of Referral Responses
- Draft Project Charter v.4

Ann Kjerulf, Regional Planning Manager Islands Trust Northern Team

RE: Response to IT Referral of August 11, 2017

October 23, 2017

Dear Ann Kjerulf,

The Denman Island Growers and Producers Alliance has reviewed the Referral sent to Erika Bland and Doug Wright on August 11, 2017, regarding the proposed Bylaw No. 223 to amend the Denman Island Land Use Bylaw (LUB) as follows:

- Replacing the definitions of “agriculture”, “intensive agriculture” and “feedlot”;
- Adding a definition of “confined livestock area”;
- Adding a 30 m setback requirement (to the natural boundary of a stream, lake, wetland or the sea) for buildings and structures associated with intensive agriculture, feedlots or used to accommodate domesticated animals other than household pets;
- Adding a general regulation to prohibit feedlots outside the Agricultural Land Reserve;
- Adding a 15-30 m setback requirement to lot lines where feedlots are permitted.

We appreciate you taking the time to review the following comments:

1. Overall, we agree that it makes sense to undertake the amendment of this bylaw concurrently with the implementation of the Farm Plan.
2. We think that the proposed new definitions for “agriculture” and “intensive agriculture” are insufficient for the following reasons:
 - a. The definitions referring to agriculture and farming under FPPA only include farming that is done for business; this excludes any activities done for personal/family/community purposes (i.e. without a business/profit motive). We think that the term “agriculture” can and does refer to both commercially-oriented and non-profit-oriented operations. For instance, the Oxford English Dictionary defines agriculture as:

“The science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products.” This definition does not necessarily include the marketing of the resulting products of this activity.
 - b. The amendment to the bylaw as proposed would leave those doing subsistence farming (i.e. growing crops or raising livestock *not* for commercial purposes) outside the regulations applicable to “agriculture” and “intensive agriculture”.
 - c. From our interpretation, the proposed definition of “intensive agriculture” would not include plant crops. Perhaps we have this wrong, but if not, it seems like an important oversight, as surely the cultivation of plant crops by certain methods would be considered “intensive agriculture”.
 - d. The definition of “intensive agriculture” as proposed in the chart, may be based on a globally-accepted definition that differentiates it from something like nomadic pastoralism, but we don’t feel it is necessarily representative of our local practices. We think there needs to be more of a distinction between different scales of “intensive” if that term is to be used, both within the bylaw and within the Farm Type/Scale chart.
 - e. We propose that the amendment needs to be altered so that it acknowledges that some activities deemed to be “subsistence farming” could still be considered “agriculture” and/or “intensive agriculture” and these activities may still require regulation. This is because some ‘subsistence’ activities, we feel, could still be deemed unsatisfactory to the community or the environment.

For example, suppose my neighbour (within the ALR) has 100 chickens, contained in an outdoor pen and fed on grain; these are for personal use, not sale. As far as we understand the proposed definitions, this activity would be considered “subsistence farming” and therefore the general setback guidelines and other regulations applicable to “agriculture” or “intensive agriculture” would not apply. On the other hand, 100 chickens right at my fence-line could cause significant disturbance to me and impact my home, land and waterways. If I complained, this neighbour, who is clearly ‘farming’ would not have

any protection under the FPPA because their activities are non-commercial. And I would not have any recourse because their operation would not legally require a setback. So, based on the definitions, we would both in a tough situation that would be difficult to resolve in reference to local and provincial bylaws.

3. Definition of “Feedlot”: in principle, we agree with the change to this definition which adds the clause: “excluding the confinement of animals for domestic purposes”; however,
 - a. We feel clarification is needed surrounding the definition of “growing” within the definition of feedlot as show in the ‘Farming Type/Scale’ chart. It is not clear to us what activities would be considered “growing” by this definition. Though it may be *implied* that “growing” means raising animals for the purpose of intentionally converting feed to meat, this is not stated explicitly. Therefore, it may be interpreted that “growing” could include feeding any animal with the intention of them naturally growing, even if the purpose is not to “grow” those animals for consumption (i.e. feeding laying hens).
 - b. We also note that under this definition a “feedlot” cannot exist if not for commercial purposes. However, (as we have explained in the example in 3.e above) someone could have what we would deem a feedlot-style operation, even if its purpose was not commercial. As far as we understand it, within the proposed amendment, that operation would only be considered a “confined feeding area”, which does not necessarily come with regulations around setbacks, as a defined “feedlot” would. Therefore, the definition of a feedlot should include something that refers to the density of animals within a confined area, as well.
 - c. We think that the 4500kg threshold of total animal weight which determines setback distance under the bylaw is perhaps appropriate for livestock and farmed game, but it is too high for poultry. 4500kg of poultry, based on an average weight of say 11kg per turkey, would be 409 turkeys. This would be over 2000 Chickens, at an average weight of 2.2kg per bird; certainly, in our minds, an operation that should require more than a 15 metre setback. Therefore, we suggest that there should be two different kg amounts to be used as the threshold for determining setback distance: 4500kg for livestock and farmed game, and perhaps 500kg for poultry.
 - d. Based on the issues with the clarity of the definition for “feedlot”, as we have outlined in #s 3a-c above, we cannot comment on whether “feedlots” should only exist within the ALR zone at this time.
4. We generally agree with the addition of the definition for “confined feeding area” as presented, if the definition of a “feedlot” included therein is adequately clarified going forward.
5. We propose that a general statement should be included within the bylaw which:
 - a. explicitly suggests that there are notable and sometimes subtle differences between commercial/for profit and personal/family/community/subsistence farming; and,
 - b. refers directly to the ‘Farm Type/Scale’ chart which helps to clarify this. We think this chart is useful, but also have a few questions about it (see #5 below) and ultimately propose that it requires some amendment.
6. Farm Type/Scale chart
 - a. There is no definition of “small” and so it is difficult to understand what would qualify as “subsistence farming”
 - b. The term “keeping of animals for personal use” doesn’t specify any quantified size of an operation
 - c. subsistence farming can include activities that we feel should be called “agriculture” or “intensive agriculture”
 - d. We feel that horticulture can certainly be a commercial activity, so we wonder why it is not included on the commercial side of the chart
7. We agree with the proposed changes to setbacks within the guidelines surrounding agricultural uses, but as we have noted above, are concerned that even these setbacks will not apply to some operations under the new definitions here presented.

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 223

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

The Denman Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under *the Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2016”.

2. Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008”, is amended as shown on Schedule 1, attached to and forming part of this bylaw.

READ A FIRST TIME THIS 15TH DAY OF NOVEMBER , 2016

READ A SECOND TIME THIS DAY OF , 2016

PUBLIC HEARING HELD THIS ^t DAY OF , 2016

READ A THIRD TIME THIS DAY OF , 2016

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

THIS DAY OF , 2016

ADOPTED THIS DAY OF , 2016

SECRETARY

CHAIRPERSON

Denman Island Local Trust Committee

Bylaw No. 153

Schedule 1

Schedule “A” of Denman Island Land Use Bylaw No. 186 cited as “Denman Island Land Use Bylaw, 2008”, is amended as follows:

1. Part 1 ADMINISTRATION, Section 1.1 Definitions, “*agriculture*”, “*intensive agriculture*” and “*feedlot*” are deleted entirely and replaced with:
 - i. “*agriculture* means the farm uses of land, buildings or structures for a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*.”
 - ii. “*feedlot* means a fenced area where livestock, poultry, or farmed game are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing, but excludes confinement of animals for domestic purposes.”
 - iii. “*intensive agriculture* means the use of land, buildings, and other structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms (except forest fungi).”
2. Part 1 ADMINISTRATION, Section 1.1 Definitions, be amended to include a new definition as follows:
 - i. “*confined livestock area means an outdoor, non-grazing area where livestock, poultry, or farmed game are confined by fences, other structures, or topography, and includes feedlots, paddocks, corrals, exercise yards, and holding areas, but does not include a seasonal feeding area.*”
3. Part 2 GENERAL REGULATIONS, Section 2.3 General Setback Regulations, Subsection 2.3(2) Setbacks from Streams, Lakes, and Wetlands be deleted entirely and replaced with:

“The minimum setback from the natural boundary of a stream, lake (except Chickadee and Graham), or wetland is:

 - 30.0 metres for a sewage disposal field or alternate sewerage system;
 - 30.0 metres for buildings and structures associated with intensive agriculture, feedlots, or used to accommodate domesticated animals other than household pets; and
 - 15.0 metres for all other buildings and structures except for a fence.

The minimum setback from Chickadee and Graham lake is:

- 60.0 metres for a sewage disposal field, alternate sewerage system, and all other buildings and structures, except for a fence”
- 4. Part 2 GENERAL REGULATIONS, Section 2.3 General Setback Regulations, Subsection 2.3(3) Setbacks and Elevations from the sea be deleted entirely and replaced with:

“The minimum setback from the natural boundary of the sea is:

- 30.0 metres for a sewage disposal field or alternate sewerage system;
 - 30.0 metres for buildings and structures associated with intensive agriculture (including feedlots), or used to accommodate domesticated animals other than household pets;
 - 5.0 metres for a boathouse; and
 - 15.0 metres for all other buildings and structures, except for a fence or access stairway.”
5. Part 2 GENERAL REGULATIONS, Section 2.3 General Setback Regulations, be amended to include a new subsection 7 and 8 as follows:

“Feedlot Regulations

7 Feedlots are prohibited on lands outside the Agriculture Land Reserve

8 The minimum setback from a lot line for feedlots is:

- 15.0 metres for feedlots used or intended to be used by less than 4500 kg of livestock, poultry, or farmed game.
- 30.0 metres for feedlots used or intended to be used for more than 4500 kg of livestock, poultry, or farmed game.

ATTACHMENT # – SYNTHESIS OF REFERRAL RESPONSES

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
1. Add an OCP policy concerning farm help accommodation on land in the ALR - Both the GPA and APC expressed support. - The ALC Act and Regulation do not set a limit on the number of additional residences for farm help accommodation per parcel, but all residences must be necessary for farm use. A suggested criterion is that the property has “farm status” under the <i>BC Assessment Act</i>.	1.1 Add an OCP policy to support the provision of farm help accommodation in association with a bonafide farm use (as per the BC Assessment Act).
2. Add an OCP policy to support agritourism accommodation on land in the ALR; - GPA: agritourism accommodation needs to be evaluated on a case by case basis. Campsites might be a good start, subject to no loss of agricultural production on Bonafide farms. - APC: no general consensus that this was supportable. Concerns were raised about the too many unserviced campsites allowed under ALR rules, setbacks to neighbouring properties and possible fire hazards with makeshift cooking facilities.	2.1 Add a policy to support agritourism. - As per the ALC regulation “agritourism, other than accommodation” is a farm use and must not be prohibited by local government. 2.2 Add a policy to support agritourism accommodation, subject to rezoning or temporary use permit (to address site-specific issues). In the ALR, accommodation for agritourism is permitted <u>subject to local government zoning</u> if (i) all or part of the parcel on which the accommodation is located is classified as a farm under the <i>Assessment Act</i>, (ii) the accommodation is limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or short term use of bedrooms including bed and breakfast bedrooms under paragraph (d), and (iii) the total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel;
3. Designate TUP areas for agritourism accommodation on land in the ALR; APC: no general consensus to support an amendment	3.1 Designate TUP areas for agritourism accommodation on land in the ALR. Despite the lack of consensus amongst APC members, this was a recommendation of the multi-year farm plan process; designation of TUP areas provides an opportunity for the LTC to consider applications; approval is completely discretionary and if there is lack of support for a TUP in a particular instance, the LTC is not compelled to issue a TUP.

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
4. Designate TUP areas for processing uses and facilities on non-ALR land; - GPA: Support facilities to support processing and storage of farm products if a project proposal related to these activities is brought forward. - APC: general consensus to support a future amendment - for facilities larger than normally used by a home-based business,	4.1 Add an OCP policy to support agricultural processing uses and facilities on non-ALR land, subject to rezoning. - Staff advise that construction of processing facilities would likely require a significant capital investment. It is unlikely that an applicant would make such an investment with the lack of certainty that a TUP would be provide (as the TUP is limited to a 3 year term with the possibility of an additional 3 year term). - The ALC regulation permits processing in the ALR when at least 50% of the product processed is produced on the farm.
5. Add an OCP policy regarding LTC consideration of subdivision proposals within the ALR; - GPA: Consider these on a case by case basis and weigh in agricultural uses when determining actions around subdivisions both within and out of the ALR. - APC: Majority (7/8) support for this proposal	5.1 No additional policies are needed. Existing OCP Resource Policies include: - Policy 7 The Local Trust Committee should only support an application for non-farm use or subdivision on land in the Agricultural Land Reserve if the proposed non-farm use or subdivision is consistent with zoning regulations and either: - allows an activity that supplements the farm income and does not decrease the farming capability of the property; or - protects the land for conservation purposes.
6. Add an OCP policy to support “occasional markets, fairs and festivals” in the W2 zone; - LTC: An OCP amendment to support occasional markets, fairs and festivals in the W2 zone was not supported, as parking and traffic issues in the W2 zone were considered to be problematic; - GPA: Pursuing a market in the W2 zone would be difficult - APC: broad support to allow such events, though some concerns were raised around traffic congestion and control	6.1 Designate TUP areas for “occasional markets, fairs and festivals” (which may include the W2 zone and other lands). This is supported by existing OCP policies, including: - Policy 1 (Services, Education and Culture) Zoning regulations should encourage community events such as seasonal fairs, concerts, art shows, temporary markets and cultural festivals that strengthen the social fabric of the community and fit with the tranquil and rural character of the Island. - Policy 4 (Economic Activities) Zoning regulations should permit temporary daytime outdoor markets, fairs and community fund-raising events on land in the Village and Institutional designations, provided that such activities are sensitive to the ground water availability and sewage disposal capability of the land. - Policy 15 (Tourism) The Local Trust Committee should encourage educational tourism, agritours, cultural tours, fairs, festivals, craft markets, garden or studio tours, hiking, biking, kayaking, walking, and low impact nature observation.

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
7. Add an OCP policy that reinforces agriculture as the priority use for ALR and other agricultural lands; APC: 8/8 supported proposal	7.1 Add an OCP policy that reinforces agriculture as the priority use for ALR and other agricultural lands. This supports the purposes of the ALC, as per the ALC Act: <i>“6 The following are the purposes of the commission:</i> <i>(a) to preserve agricultural land;</i> <i>(b) to encourage farming on agricultural land in collaboration with other communities of interest;</i> <i>(c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.”</i>
8. Add an OCP policy to discourage panhandle lots; APC: 8/8 supported proposal	8.1 Add an OCP policy to discourage panhandle lots. - Further discussion is needed to determine to what extent this OCP policy should apply – to all Resource lands or to all lands on Denman Island. - Staff note that this is likely to be a contentious policy consideration due to the potential to limit subdivision.
9 Add an OCP policy to support subdivision to consolidate farm parcels in the ALR; APC: 8/8 supported proposal	9.1 Add an OCP policy to support the consolidation of farm parcels in the ALR. - Larger farm parcels provide greater opportunities for productive agriculture. - The effect of this policy may be to encourage consolidation. Consolidation of farm parcels is not considered a “subdivision” under the <i>Land Title Act</i> and does not require ALC approval.
10 Add an OCP policy to support a requirement for landscape screening/buffering of trails; - LTC: Adding an OCP policy to support a requirement for landscape screening/buffering of trails from adjoining agricultural areas was not considered to be a necessary action as this does not appear to be a concern in the community; - APC: 7/8 were against this proposal.	10.1 Defer consideration of screening/buffering to a future phase of farm plan implementation. - This item was not supported by the APC due to concerns regarding the cost of trail buffering. - This item may be discussed more broadly in the future in conjunction with discussions regarding “edge planning” and development permit areas.

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
11 Add an OCP policy regarding “no net loss” of ALR land; - LTC: Adding an OCP policy regarding no net loss of Agricultural Land Reserve (ALR) land was not considered to be a necessary amendment given the amount of ALR land on Denman Island and the ALC’s process which considers recommendations from LTCs; - GPA: An overall policy should be created that supports retention of ALR (explore a policy of no net loss, and consideration by LTC of proposals to add land to ALR). - APC: 7/8 were against this proposal.	11.1 No additional policies are needed. Existing OCP Resource Policies include: - Policy 5 The Local Trust Committee should support the inclusion of land within the Agricultural Land Reserve. - Policy 6 The Local Trust Committee should only support an application for non-farm use or exclusion of land from the Agricultural Land Reserve if the proposed non-farm use or exclusion provides for an essential community service or amenity which cannot reasonably be located on land outside of the Agricultural Land Reserve and for which the community need clearly outweighs the loss to agriculture.
12 Add an OCP policy to support ALC applications to benefit farming or the greater community; APC: 4/8 supported this proposal	12.1 No additional policies are needed. See Policy 6 (as noted above).
13 Amend the OCP to include a policy to support alternative land tenure agreements; - GPA: Alternative land tenure agreements need to be supported to bring land into production. - APC: 5/8 supported this proposal	13.1 Add a policy to support alternative land tenure agreements. The <i>ALR Use, Subdivision and Procedure Regulation</i> (BC Regulation 171/2002) was recently amended to designate the following as a farm use: <i>“(q) a farm use by a person other than the owner of the farm under a lease of the farm or part of the farm, if a condition of the lease is that the leased land be used only for one or more farm uses.”</i>
14 Add farm processing and storage as principal uses in the Light Industrial (L) zone (subject to conditions); - LTC: LTC: An LUB amendment to allow farm processing and storage as principal uses in the Light Industrial zone with the use of Temporary Use Permits was questioned as there is a single, site-specific property in that zone; - GPA: allow for farm processing in the Light Industrial Zone; this may prompt zoning change proposals to create more farm processing operations, which could increase the viability of farming - APC: 8/8 supported this proposal	14.1 Create a new zone for farm processing and storage. - Addition of farm processing and storage to an existing zone may have unintended consequences in the future; rezoning processes can address site-specific concerns. - Creation of a new zone for farm processing and storage would be consistent with staff recommendation 4.1.

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
15 Add farm help accommodation accessory to a principal farm use in the ALR (subject to conditions); APC: 6/8 were against this proposal; concern that this would be used to get around density provisions; suggested creating a farm help accommodation zone	15.1 No Land Use Bylaw amendment is required. The LUB notes that farm help accommodation approved by the ALC (as a permitted farm use) does not require a temporary use permit.
16 Add a height exemption for silos and grain bins; APC: 7/8 supported this proposal	16.1 Add a height exemption for silos and grain bins.
17 Add farm home plate provisions (to cluster residential uses and avoid sterilization of farm land); - GPA: Space and privacy issues are important considerations. An alternative to clustering should be to allow building on lower class farmland to minimize loss of good farmland. - APC: 6/8 supported this proposal	17.1 Add a Temporary Use Permit guideline in the Land Use Bylaw for secondary dwellings in the A zone, to require secondary dwellings to be clustered with principle dwellings in order to avoid sterilization or fragmentation of farm land.
18 Add “Occasional markets, fairs and festivals” as a permitted use in the LUB W2 zone; APC: 6/6 supported this proposal subject to a temporary use permit	18.1 Add TUP Guidelines for “Occasional markets, fairs and festivals” to the Land Use Bylaw. This would implement staff recommendation 6.1.
19 Amend the LUB definition of agriculture to include “farm operation”; APC: 6/6 supported this proposal	19.1 See recommendation 23.1
20 Amend the LUB to permit road side farm stands in setback areas (subject to conditions); APC: 6/6 supported this amendment -subject to considerations of safety and stand size.	20.1 Amend the Land Use Bylaw to permit road side farm stands in setback areas subject to obtaining a Ministry of Transportation and Infrastructure permit.
21 Amend the LUB to include subdivision regulation to prohibit creation of panhandle lots; APC: 5/6 were opposed to this proposal	21.1 Amend the Land Use Bylaw to include subdivision regulations to prohibit creation of panhandle lots. - This would implement recommendation 8.1 which the APC supported. - Staff note that the LUB currently allows driveway access panhandles to be created through subdivision.
22 Amend the LUB to include landscape screening/buffering requirements for trails adjacent to ALR land; APC: 6/6 were opposed to this proposal	22.1 Defer consideration of landscape screening and buffering consistent with recommendation 10.1.

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
23 Replace the definition of “agriculture” • APC: 6/6 supported this proposal • GPA: the proposed definition of agriculture is insufficient, for reasons noted.	23.1 Replace the definition of agriculture as per the recommended Bylaw 223 definition. • The proposed definition is consistent with direction from the Ministry of Agriculture. • Note, the <i>Right to Farm Act</i> does refers to activities involved in carrying on a “farm business” and does not refer to subsistence farming (growing crops or raising livestock not for commercial purposes) as noted by the GPA. 23.2 Add Land Use Bylaw provisions for subsistence and/or limited agriculture (growing crops or raising livestock accessory to a principle residential use) • Both the current Land Use Bylaw definition and proposed definition are very liberal in terms of what may be deemed “agriculture”. • Should the intent be to not liberally permit “farm businesses” in residential zones as under the <i>Right to Farm Act</i>, staff recommend that provisions be added to the Land Use Bylaw to distinguish the type of agricultural uses permitted in residential zones. • Provisions for limited agriculture could include thresholds for livestock or poultry (e.g. number of chickens or gross weight of livestock).
24 Replacing the definition of “intensive agriculture” • APC: 6/6 supported this proposal	24.1 Replace the definition of intensive agriculture as per recommended Bylaw 223 definition. • This is consistent with the definition in the <i>Local Government Act</i>. • Staff recommend including the words “except for forest fungi” following discussion with Ministry of Agriculture staff.
25 Replace the definition of “feedlot” • APC: 6/6 supported this proposal • GPA: agree with the change to this definition but noted concerns	25.1 Replace the definition of feedlot in the Land use Bylaw as per recommended Bylaw 223 definition. • This is consistent with the Minister’s Bylaw Standards.
26 Add a definition of “confined livestock area” • APC: 6/6 supported this proposal • GPA: agree with the addition of the definition for “confined feeding area” as presented, if the definition of a “feedlot” included therein is adequately clarified going forward.	26.1 Add a definition of confined livestock area to the Land Use Bylaw as per recommended Bylaw 223 definition. • This is consistent with the Minister’s Bylaw Standards. • Staff recommend adding the words “but excludes confinement of animals for domestic purposes” for clarity.

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
27 Add a 30 m setback requirement (to the natural boundary of a stream, lake, wetland or the sea) for buildings and structures associated with intensive agriculture, feedlots or used to accommodate domesticated animals other than household pets; • APC: 6/6 supported this proposal • GPA: agree with proposed setbacks, noting concerns	27.1 Add a 30 m setback requirement (to the natural boundary of a stream, lake, wetland or the sea) for buildings and structures associated with intensive agriculture, feedlots or used to accommodate domesticated animals other than household pets;
28 Add a general regulation to prohibit feedlots outside the Agricultural Land Reserve; • APC: 6/6 supported this proposal	28.1 Add a general regulation to prohibit feedlots outside the Agriculture Land Reserve
29 Add a 15-30 m setback requirement to lot lines where feedlots are permitted. • APC: 6/6 supported this proposal • GPA: agree with proposed setbacks, noting concerns	29.1 Add a 15-30 m setback to lot lines where feedlots are permitted.

Denman Island Farm Plan Implementation - Charter v.4

Date: November 6, 2017

Purpose *The purpose of this project is to implement actions under recommendations 11, 13 and 14 of the Denman Island Farm Plan to inform the development of bylaws to amend the Denman Island Official Community Plan and Land Use Bylaw.*

Background *The process of developing the Denman Island Farm Plan began in of 2009 and the Plan was endorsed by the Denman Island Local Trust Committee in June 2012. In January 2016, Farm Plan Implementation was added to the LTC Top Priorities List. In June 2016, consideration of new agriculture-related definitions and regulations was added to the Farm Plan Implementation project.*

Objectives

- To prepare bylaws to amend the Denman Island Official Community Plan and Land Use Bylaw, which implement Farm Plan Recommendations 11, 13, 14 and which align with the ALC Act and Regulation.
- To amend the LUB definitions of agriculture, intensive agriculture, feedlot and establish appropriate LUB setbacks for intensive agriculture and feedlots.
- To engage community members, the Advisory Planning Commission (APC), Grower and Producers Alliance (GPA), and other stakeholders in the development of policies and regulations to implement the Farm Plan.

In Scope

- Referral to Denman GPA and APC
- Community information meeting prior to second reading or public hearing of bylaws
- Project webpage maintenance

Out of Scope

- Farm Plan recommendations not related to LTC authority
- Creation of an Agricultural Enterprise Zone
- Review or amendment of existing DPAs
- Designation of new DPAs
- Consideration of landscape or screening requirements
- Water issues management

Workplan Overview

Deliverable/Milestone	Date
Adoption of Project charter	November 15, 2016
Referral of proposed OCP/LUB amendments to APC and GPA	December 2016 — October 2017
LTC consideration of APC/GPA input and staff analysis/recommendations	November 2017
Development of draft OCP/LUB bylaws	November 2017—February 2018
LTC consideration of draft OCP/LUB bylaws / 1st reading; Referral of proposed bylaws to APC and GPA; Preparation of community information materials; Community information meeting	March—April 2018
LTC consideration of revisions/further readings of proposed OCP/LUB bylaws	May 2018
Statutory bylaw amendment process (readings, referrals, public hearing)	March - August 2018

Project Team

Marnie Eggen, Island Planner	Project Manager
Ann Kjerulf, Regional Planning Manager	Project Sponsor
Sonja Zupanec, Island Planner	Project Support

RPM Approval:

Ann Kjerulf

Date: Nov. 6, 2017

LTC Endorsement:

Resolution #:

Date:

Budget

Budget Source: Denman LTC Projects

Fiscal	Item	Cost
2017-2018	Community information meeting; advertising	\$1,000
2018-2019	Public hearing	\$1,000
	Total	\$2,000



DATE OF MEETING: November 14, 2017
TO: Denman Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Fiona XETXÁTTEN MacRaid, Marine and First Nations Issues Management
COPY: Ann Kjerulf, Regional Planning Manager
SUBJECT: Relationship building with K'omoks First Nation Project

RECOMMENDATION

1. That the Denman Island Local Trust Committee request staff to organize two or more community dialogue sessions focused on First Nations and related topics of interest, to be facilitated by Denman Island community members, and to invite First Nations who have asserted rights and title on Denman Island to participate.
2. That the Denman Island Local Trust Committee endorse the Denman Island Shared Narrative of Place Project Charter, v. 3 [as amended].

REPORT SUMMARY

The purpose of this Staff Report is to update the Denman Local Trust Committee (LTC) on the status of First Nations Relationship Building activities and request direction from the LTC on next steps.

BACKGROUND

Events and Activities to Date:

- April 10, 2017** The LTC accepted an invitation and attended a meeting with K'omoks First Nation Chief and Council at the Band office in Comox.
- May 2, 2017** The LTC endorsed the Project Charter for Shared Narrative of Place Project (see Attachments) with the following objectives:
- Increased understanding and respect for Indigenous connections to the islands;
 - Amending the Official Community Plan (OCP) to reflect the “deep history” of First Nations in the Denman Local Trust Area and adding maps (with permission from K'omoks) of Indigenous special places to the OCP.
- June 4, 2017** First Nations Relationship Building – staff presentation and community discussion.
- July 14, 2017** Trustees Busheikin and Trustee Law, along with Islands Trust Chair Peter Luckham, Chief Administrative Officer Russ Hotsenpiller and planning staff, met with K'omoks Chief and Council, and visited various sites on Denman and Hornby Islands and shared a lunch together.

Previous Resolutions:

The following is a list of previous resolutions passed regarding First Nations in 2017:

May 2, 2017

DE-2017-036

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend the Project Charter to add in the Shared Narrative of Place: “include a public presentation by the Islands Trust Senior Intergovernmental Policy Advisor and follow up public presentations by K’omoks members and representatives.

CARRIED

DE-2017-037

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the Shared Narrative of Place – Charter v1 Project Charter as amended which will strive to amend the Denman Island Official Community Plan in two phases. As a first step, integrating a First Nations “deep history” narrative and place names within the Official Community Plan. Then, in co-operation with local First Nations, review the Official Community Plan for opportunities for First Nations to participate in the work of the Local Trust Committee more meaningfully.

CARRIED

DE-2017-038

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee encourage residents of Denman Island to voluntarily start sharing First Nations’ place names and histories of the island through various stakeholder community groups and community events and, where possible and appropriate, influence the content of signage to include First Nations’ place names and context of indigenous use of places.

CARRIED

DE-2017-039

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee send a letter signed by the Local Trustees to both island libraries including informing them about the First Nations reading list and potential co-financing opportunities.

CARRIED

Staff notes that the Project Charter was amended as requested, and that there are items outstanding on the LTC Follow up Action List (FUAL) that are already identified in the Project Charter. Staff recommend removing these items from the FUAL as they are addressed in the Project Charter.

June 6, 2017

DE-2017-052

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that In Scope items of the Shared Narrative of Place – Charter v2 be amended so that the fourth bullet In Scope reads: “Identification of signage opportunities in the Denman Island Trust Area where indigenous history can be acknowledged”.

CARRIED

Staff note that the Project Charter was amended as requested.

August 1, 2017

DE-2017-060

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to receive feedback from Trustees about Official Community Plan amendments dealing with First Nations issues and bring back a brief written or verbal report to the next Local Trust Committee meeting.

CARRIED

DE-2017-061

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to organize a presentation by representatives of the K'omoks First Nation on First Nation traditional knowledge and stewardship practices.

CARRIED

Staff note that further community dialogue and advancement of the place name project should precede efforts to amend the OCP (see Analysis below).

For more information on this project, see the Staff Reports presented at the LTC business meetings of May 2 and August 1, 2017.

ANALYSIS

Issues and Opportunities

Staff Actions:

The LTC previously received a joint Denman/Hornby Shared Narrative of Place Project Charter (see Attachments). Staff note the following efforts have been made to follow up with K'omoks First Nation since the July 14, 2017 visit with Chief and Council on Denman and Hornby Islands.

- Aug. 29: F. MacRaidl contacted Jesse Morin, K'omoks Consultant Archaeologist, and discussed a draft "deep history" text for possible inclusion in OCPs, with a caveat to first have direction from Chief and Council to work on a place name program; a request was put in to discuss this with the Band Manager and Council that day;
- Sept. 7: edited version of "deep history" shared with Trustee Law for review and comment;
- Sept. 19: check in with Jesse Morin on progress of request to K'omoks regarding place name project (no news as of yet);
- Sept. 26: check in with Jesse Morin about K'omoks direction regarding place name program (no news as of yet);
- Oct. 18: Check in with Jesse Morin about K'omoks direction regarding place name program (on agenda again for Nov. 1 Council meeting);

Community Engagement in Reconciliation and Relationship Building Activities:

The broader societal shift in attitudes towards First Nations across Canada is a paradigm shift for many Canadians. Throughout the country, with the recent adoption of the Truth and Reconciliation Calls to Action, the United Nations Declaration of the Rights of Indigenous Peoples and the recent change of BC's provincial government to a more empathetic position toward First Nations relationship building, First Nations are dealing with an increasing number of requests from government agencies and others to engage in important

reconciliation work. While there is generally a positive desire to engage from First Nations, many Nations and their staff are struggling to find ways to prioritize requests over and above serving the needs of their communities.

One option to maintaining the momentum of shifting attitudes within non-Indigenous island communities without putting further pressure on First Nations to participate, is to continue an educational program on things like emerging archaeology, or on-island coffeehouse discussions about colonial history or exploring the meaning of terms like “Aboriginal title” and “Aboriginal rights” as they pertain to private property. Members of local First Nations can always be invited to lead or participate in these types of activities, but their attendance is not required.

A three-part PowerPoint presentation is available for throughout the Islands Trust Area for any individuals or groups interested in pursuing this type of activity. The presentation is accompanied by detailed speaking notes, suggested discussion questions and further reading recommendations. For many non-Indigenous Canadians, attitude shifts toward First Nations often comes from understanding historical facts, thinking about the legal implications of court discussions, and having a safe space for discussion.

It is felt by staff that if community dialogues preceded any proposed OCP amendments that acknowledge First Nations’ history and Aboriginal rights and title, key themes can be identified that the community has had direct input on. OCPs are documents that some community members have a strong attachment to, while others have little attachment. Broad-based community discussions reach a broad spectrum of the island community and even though the outcome is hoped to be community-sponsored OCP amendments, it is the discussions and the process of shifting attitudes that is the higher goal.

Update on Communications with K’omoks First Nation

As of November 1, 2017, K’omoks staff have indicated that, although their Chief and Counsel meetings to date have not yet allowed them to consider a place name project on either Denman or Hornby Islands due to other pressing demands, they have recommended working with their Treaty Department. A telephone meeting is booked for November 7, 2017.

As a beginning effort the archaeologists who works for K’omoks (Jesse Morin) has suggested that he can be hired independently to share “publically available” place names on the islands and has recommended a protocol procedure to ensure K’omoks leadership is aware and approves the of nature of this work. Depending on how quickly the Treaty Department and Jesse Morin can accommodate a place name project for the islands, this can happen either concurrently with community dialogues on First Nations issues or after those dialogues.

Rationale for Recommendation

Staff are recommending that the LTC request staff to organize two or more community dialogue sessions focused on First Nations. This would involve confirming one or more local facilitators and extending invitations to local First Nations. This activity would support the LTC’s First Nations Relationship Building initiative and build greater capacity and understanding amongst community members. Staff are also recommending that the LTC endorse an updated project charter, which reflects this direction and also provides a charter that is independent from that of the Hornby LTC. Staff note that further community dialogue and advancement of the place name project should precede efforts to amend the OCP. The staff recommendation is noted on page 1 of the report.

ALTERNATIVES

1. Request further information
2. Receive for information

NEXT STEPS

The LTC can recommend a series of coffeehouse-type or similar events and consider if there are interested community members who may wish to facilitate community discussions or present one of the Islands Trust presentations. For each event, a letter of invitation can be extended to all local First Nations with asserted rights and title on the island to participate and/or lead the discussion. It is important to remember that if First Nations are invited, they may ask for travel reimbursement, which is an LTC budget consideration.

Submitted By:	Marnie Eggen, MCIP RPP Island Planner	November 3, 2017
Concurrence:	Ann Kjerulf, MCIP RPP Regional Planning Manager	November 7, 2017

ATTACHMENTS

1. Denman/Hornby Shared Narrative of Place Project Charter
2. Denman Island Shared Narrative of Place Project Charter, v.3

Shared Narrative of Place - Charter v1

Hornby/Denman Island LTC

Date: 02.05.17

Purpose For Denman/Hornby Island Local Trust Committees to develop a mutually respectful long term relationship with K'omoks First Nation that honours their connections to the lands and water of both Hornby Local Trust Area and Denman Local Trust Area.

Background Recently trustees and staff representing Hornby and Denman Islands were invited to meet with K'omoks Chief, Council and key staff on April 10. Many positive ideas were discussed about how the LTCs could develop a mutually respectful relationship with K'omoks FN. The Project Charter outlines activities that will deepen the meaningfulness of that relationship. The Project outlines how Hornby/Denman LTCs can utilize the opportunities of island signage and amendments to the Official Community Plan to reflect a shared narrative of place with K'omoks First Nation.

Objectives

- Increased understanding and respect for Indigenous connections to the islands
- Amending the OCP to reflect the "deep history" of K'omoks FN in the Hornby/Denman Trust Areas and adding maps (with permission from K'omoks FN) of Indigenous special places to the OCPs

In Scope

- Include a public presentation by the Islands Trust Senior Intergovernmental Policy Advisor and follow up public presentations by K'omoks members and representatives
- Hosting a public event where FNs are invited to share their knowledge of Denman/Hornby special places
- OCP amendments
- Signage in the Trust Area where the Hornby/Denman trustees have some influence over content
- Encouraging community associations and events to include and honour Indigenous participation

Out of Scope

- Follow-through of activities suggested for community associations and events
- Final decision of signage content where signage is a partnership effort of multiple agencies
- Indigenous place names that are not publically available online or shared by explicit permission by local First Nations

Workplan Overview

Deliverable/Milestone	Date
Plan for Public FN Event	June 6, 2017
Draft OCP amendments (introductory section on deep history and map with Indigenous place names)	August 1, 2017
Identification of signage opportunities in Hornby/Denman Trust Area where Indigenous history can be acknowledged	August 1, 2017

Project Team

Fiona MacRaidl	Project Manager
Island Planner	Marnie Eggen

Budget

Budget Sources: Hornby/Victoria FN budget (1575); Denman FN budget (1575); Matching C2C funding (3150) (pending). Total 6300 (2017/18).

Fiscal	Item	Cost	
2017/18	Public event	4000	
2017/18	OCP amend/Legislative	1500	
2017/18	Contingency	750	
Total 2017/18		6250	
2018/19 (pending)	OCP amend/Legislative	1500	60

RPM Approval:
Ann Kjerulf
Date: April 25, 2017

LTC Endorsement:
Resolution #: DE-2017-037
Date: May 2, 2017

Denman Island Shared Narrative of Place - Charter v3

Denman Island LTC

Date:06.11.17

Purpose For Denman Island Local Trust Committee to develop a mutually respectful long term relationship with local First Nation that honours their connections to the lands and water of the Denman Local Trust Area.

Background In December 2016, Islands Trust Council adopted the First Nations Engagement Principles Policy. Trustees and staff were invited to meet with K'omoks Chief, Council and key staff on April 10, 2017. Many positive ideas were discussed about how to develop a mutually respectful relationship with K'omoks First Nation. The Project Charter outlines activities that will deepen the meaningfulness of that relationship. The Project outlines activities that the LTC can pursue in order to reflect a shared narrative of place with local First Nations who have asserted rights and title in the Denman Local Trust area.

Objectives

- Increased understanding and respect for Indigenous connections to the islands
- Amending the OCP to reflect the "deep history" of K'omoks FN in the Hornby/Denman Trust Areas and adding maps (with permission from K'omoks FN) of Indigenous special places to the OCPs

In Scope

- Community Event to raise awareness of the History of First Nations on the Islands
- Hosting a public event where FNs are invited to share their knowledge of special places on Denman Island
- Identification of signage opportunities in the Denman Island Trust Area
- Encouraging community associations and events to include and honour Indigenous participation
- OCP amendments

Out of Scope

- Follow-through of activities from community associations and events
- Final decision of signage content where signage is a partnership effort of multiple agencies
- Payment for construction, installation or maintenance of signage
- Indigenous place names that are not publically available online or shared by explicit permission by local First Nations

Workplan Overview

Deliverable/Milestone	Date
Community First Nations Event(s)	2017-2018
K'omoks First Nation Chief and Council and LTC meeting/site visit	Summer 2017
OCP amendments	2017-2019
Identification of signage opportunities in Denman Trust Area where Indigenous history can be acknowledged	2017-2019

Project Team

Fiona MacRaidl	Project Manager
Denman Planner	Planning support

Budget

Budget Sources: Denman/Victoria FN Budgets

Fiscal	Item	Cost
2017/18	Community event(s)	1000
2017/18	FN & LTC mtg (completed)	1000
Total 2017/18		2000
2018/19 (pending)	Community event(s)	1000
2018/19 (pending)	OCP amend/Legislative	1500

RPM Approval:
Ann Kjerulf
Date: Nov. 6, 2017

LTC Endorsement:
Resolution #:
Date:

**Top Priorities****Denman Island**

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Marine Issues	June 6, 2017: Bylaw 225 (to prohibit vehicles and ground-based machinery on the foreshore) given 1st reading and referred to First Nations and agencies for comment	03-Mar-2015	Ann Kjerulf	
1	Relationship building with Komoks First Nation	Shared Narrative of Place Project will integrate First Nations history and place names in the OCP and explore opportunities for First Nations to participate in the work of the Local Trust Committee more meaningfully.		Marnie Eggen Fiona MacRaid	
1	Denman Island Farm Plan Implementation	Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)			
1	Denman Village Community Design Charrette	Intensive study of Downtown Denman Village and community consultation process by VIU Master of Community Planning students September 6-9, 2017		Ann Kjerulf Ian Cox	

**Projects****Denman Island**

Description	Activity	R/Initiated
Protected Area Network	Undertake planning for a Protected Area Network on Denman Island	15-Mar-2011
Alternative Energy	Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems. Monitor recommendation from Trust Council.	15-Aug-2011
Dwelling Floor Area Regulation	Consider regulations to limit the gross floor area of a dwelling	25-Oct-2011
Climate Change	Consider climate change adaptation and mitigation measures	25-Oct-2011
Development Procedures Review	Review and update Development Procedure Bylaw No. 71	11-Dec-2012
Rural Affordable Housing	Consider DCLTA Rural Affordable Housing Project Final Report (June 20, 2013) recommendations	22-Oct-2013
Medical Marihuana	Review of LUB in consideration of the new Federal Marihuana for Medical Purposes Regulation (Staff Report dated April 28, 2014)	15-Jul-2014
Alternative Dispute Resolution	To be considered as part of the enforcement tool kit, possibly in cooperation with the Hornby Island Local Trust Committee	26-May-2015
Denman Village Plan	Undertake a Denman Downtown Village Neighbourhood Plan; the plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; and addressing of water and septic concerns.	26-May-2015
Secondary Suites Review	Review policies and regulations with respect to secondary suites and cottages	12-Jan-2016
Affordable, attainable and seniors housing	Review regulatory mechanisms for supporting affordable, attainable and seniors housing	19-Apr-2016

Projects

Denman Island

Description	Activity	R/Initiated
Travel trailers	LUB amendments and enforcement policies regarding the use of travel trailers	07-Mar-2017
Occasional use of accessory buildings	Amend LUB definition of the term occasional in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there	07-Mar-2017



Islands Trust

Print Date: November 7, 2017

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Day, Ella	21-Mar-2011	For barn sited within DP #1: Komas Bluff

Planner: Teresa Ritemann

Planning Status

Status Date: 30-Oct-2017

No change in status.

Status Date: 18-Apr-2017

Waiting for applicant to take next steps working with Bylaw Enforcement team.

Status Date: 29-Jul-2013

File passed on to Bylaw enforcement

File Number	Applicant Name	Date Received	Purpose
DE-DP-2017.2	Shepherd, RONALD	19-Oct-2017	PID: 028-296-397 Removal of danger trees. Civic address: 7500 The Point Road, Denman Island, BC.

Planner: Marnie Eggen

Planning Status

Status Date: 03-Nov-2017

Planner reviewing

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2011.1	Day, Ella	13-May-2011	Barn on property line

Planner: Teresa Ritemann

Planning Status

Status Date: 30-Oct-2017

No change in status.

Status Date: 18-Apr-2017

Waiting for applicant to take next steps working with Bylaw Enforcement team.

**Applications****Status Date:** 29-Jul-2013

no change; file passed on to bylaw enforcement

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2017.2	Peter Mason Geometrics	26-Sep-2017	PID: 005-849-977 Variance in path width Civic: Lot 5 Lacon Road, Denman Island, BC.

Planner: Marnie Eggen**Planning Status****Status Date:** 03-Nov-2017

Planner reviewing

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2017.1	Denman Community Land Trust Association	12-Sep-2017	PID: 009-708-537 Create two lots for affordable housing for seniors. Civic address: 3730 Denman Road, Denman Island, BC

Planner: Marnie Eggen**Planning Status****Status Date:** 03-Nov-2017

Planner reviewing

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Day, Jean Ella	02-Nov-2009	2900 SWAN RD

One 26 foot high barn.

Planner: Teresa Ritemann**Planning Status****Status Date:** 30-Oct-2017

No change in status.

**Applications****Status Date:** 30-Jun-2011

On hold until outcome of DP and DVP.

Status Date: 03-Mar-2011

New info submitted by applicant indicates bld sited on lot line; options provided to applicant

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2014.10	Stoneman, Daniel & Debra	29-Sep-2014	Residence, Garage, Chicken House, Beach Stairs, Woodshed
Planner: Rob Milne			
Planning Status			

Status Date: 03-Nov-2014

On hold pending confirmation of compliance with condntions of approval for DE-DP-2014.2

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2017.14	Etienne De Villiers Design	31-Oct-2017	PID: 001-736-388 Building main residence. Civic address: 5090 Cokely Road, Denman Island, BC.
Planner: Ian Cox			
Planning Status			

Status Date:**Subdivision**

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2015.1	De Villiers & Fraser, Etienne & Louise	24-Dec-2014	2201 Tristone Road S.946 (2 lot subdivision)
Planner: Teresa Rittemann			
Planning Status			

Status Date: 30-Oct-2017

Cost recovery agreement confirmed 19-Oct-2017. Planner contacted legal team to draft covenant. Aim to have it drafted before end of November.

Status Date: 18-Sep-2017

**Applications**

Legal Service Request completed and Cost Recovery process started. Waiting on confirmation from Finance dept that applicant has entered into Cost Recovery with Islands Trust.

Status Date: 16-Aug-2017

PLA received. Applicant to address conditions.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2016.1	MCKEACHIE, MORLEY Planner: Teresa Ritemann	01-Feb-2016	PID: 005-850-771 Proposed four lot Subdivision application
Planning Status			

Status Date: 30-Oct-2017

No change in status.

Status Date: 14-Sep-2017

Applicant considering a revised plan and he will discuss with MOTI.

Status Date: 19-Jul-2017

No change in status.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.1	McElhanney Associates & Land Surveying Planner: Linda Prowse	09-Jan-2017	PID: 005-850-011 Subdivide property into two lots for residential purposes. 5465 Lacon Road, Denman Island.
Planning Status			
Status Date:			

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.3	Peter Mason Geomatics Planner: Marnie Eggen	27-Jul-2017	PID: 005-849-977 Two lot subdivision Lacon Road, Denman Island
Planning Status			
Status Date:			

Applications

Islands Trust
 LTC EXP SUMMARY REPORT F2018
 Invoices posted to Month ending September 2017

615 Denman	Invoices posted to Month ending September 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	750.00	164.61	585.39
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	4,500.00	1,136.07	3,363.93
65210-615	LTC - Local Exp - APC Meeting Expenses	600.00	540.57	59.43
65220-615	LTC - Local Exp - Communications	500.00	125.00	375.00
65230-615	LTC - Local Exp - Special Projects	500.00	1,610.33	-1,110.33
TOTAL LTC Local Expense		<u>6,100.00</u>	<u>3,411.97</u>	<u>2,688.03</u>
Projects				
73001-615-2017	Denman OCP/LUB	1,500.00	378.10	1,121.90
73001-615-4011	Denman Agriculture Plan	3,500.00	0.00	3,500.00
73001-615-4062	Denman First Nations Relations	1,000.00	604.51	395.49
TOTAL Project Expenses		<u>6,000.00</u>	<u>982.61</u>	<u>5,017.39</u>



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality October 2017



Regional Conservation Plan (RCP)

The Trust Fund Board (TFB) has approved the draft Regional Conservation Plan (RCP) for 2018-2027. The RCP will be used by the TFB to evaluate conservation proposals, to direct communications and fundraising efforts and to guide property management work. A new element is a focus on relationship building with First Nations. The Board has referred the RCP to local trust committees and Bowen Island Municipality for review. (It has also been referred to partner agencies and First Nations and will be posted on the Islands Trust Fund (ITF) website with a mechanism to enable public feedback). Staff will be available to attend LTC and BIM meetings in person if possible and electronically if not. The Board is expecting to consider final approval of the Regional Conservation Plan in January 2018.

Islands Trust Fund Five Year Plan

The *Islands Trust Act* requires the TFB to submit a plan to the minister every five years providing information on goals and key policies. The Board has approved a draft plan for 2018-2022 which references the new Regional Conservation Plan and describes relevant policies. This draft is also being referred to local trust committees, Bowen Island Municipality and First Nations. The Board expects to submit the plan to the Minister by the end of the year.

Board Retreat

The TFB and senior staff will be participating in a day long retreat in October for high level discussions on future directions with a particular focus on fundraising, (with facilitation from an experienced expert in the field).

Property Monitoring

The Board has received detailed reports on the results of this year's monitoring of our 27 nature reserves, the 24 NAPTEP covenanted areas and the 50 other covenants we hold. A number of management issues have been identified which are now being addressed (see below for highlights by island).

Summary of Current Island-by-Island Activities

Bowen

Trees recently planted at the David Otter Nature Reserve are looking healthy.

Denman

Communication is continuing with neighbours of the Lindsay Dickson Nature Reserve to clearly delineate property boundaries. Mountain bike damage is a concern in the Morrison Marsh Nature Reserve; addressing this issue will be considered during the current review of the management plan. There is no further evidence of tree cutting at the Inner Island Nature Reserve following two large trees being felled there last year. The Trust Fund Board has registered a covenant on the Denman Conservancy Association's Settlement Lands.

Gabriola

The Elder Cedar Nature Reserve continues to suffer from vandalised signs and the impacts of unpermitted mountain bikes and horses. ITF is working with GaLTT to address these and other issues.

Galiano

Monitors were excited to see falcons at the cliffs on Trincomali Nature Reserve. ITF and Galiano Conservancy Association are looking into possible vehicle intrusions and tree removal in the Vanilla Leaf Land Nature Reserve.

Gambier

Recent plantings at Brigade Bay Bluffs and Long Bay Wetland Nature Reserves are looking healthy.

Keats

The fifth draft of a covenant for Sandy Beach has been sent to Sunshine Coast Conservation Association and The Land Conservancy of BC for review. A draft baseline report has been received and is now being reviewed.

Lasqueti

Sheep browsing is proving to be a challenge for restoration work at the John Osland Nature Reserve, (where approximately 50% of the plantings have died) and Mount Trematon Nature Reserve. Stronger materials will be required for protective cages.

South Pender

Progress is being made towards establishing the covenant for Brooks Point Regional Park.

Salt Spring

A trail location issue at Lower Mount Erskine Nature Reserve and a tree cutting incident at McFadden Creek Nature Reserve are being addressed.

Thetis

The first monitoring visit was completed at Moore Hill Nature Reserve and management planning is in progress. Pledges for Fairyslipper Forest are processed and there are two grant applications in progress to raise more funds to complete the purchase. Hydrological and ecosystem assessments are complete for the property.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca



DATE OF MEETING: November 14, 2017
TO: Denman Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: 2018 Local Trust Committee Meeting Schedule

RECOMMENDATION

1. That the Denman Island Local Trust Committee schedule its regular business meetings on the following dates in 2018: January 23, March 6, May 1, June 12, August 7, October 2, and December 4.

DISCUSSION

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular business meeting schedule for 2018. Tentative dates have been identified in relation to anticipated project commitments, application volumes, trustee availability, ferry schedules, statutory holidays, conferences, Trust Council, Trust Council Committees, Trust Fund Board, and available staff and financial resources. Tentative meeting dates are identified in Attachment 1.

If alternative dates are proposed, LTCs should avoid scheduling meetings on dates which may conflict with other planned meetings or events. Key dates are noted for reference in Attachment 1. Note, LTCs do not need to identify the planned start times or locations for meetings. Meeting details will be advertised in accordance with legislated notification requirements.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	October 19, 2017
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ATTACHMENT

1. Tentative 2018 Northern Local Trust Committee Meeting Schedule

ATTACHMENT 1 – TENTATIVE 2018 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

LTC	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis	Ballenas-Winchelsea
	January 23*	January 18	January 25	-	-	-	-
	-	-	-	February 9	February 19*	February 13*	-
	March 6	March 1*	March 8*	-	-	-	March 28
	-	April 12	April 19*	April 27*	April 23	April 17	-
	May 1	May 3*	May 24	-	-	-	-
	June 12*	June 14	June 28	June 8	June 4*	June 5*	-
	-	July 12	July 26	-	July 23	July 10*	July 18
	August 7	August 16*	-	August 3*	-	August 28*	-
	-	September 27*	September 6*	September 28*	September 24	-	-
	October 2	-	-	-	-	-	-
	November 20	November 22*	November 15*	November 30*	November 26	-	-
	-	-	-	-	-	December 4	December 12
Total	7	9	8	6	6	6	3

Day	1 st Tuesday	2 nd Thursday	4 th Thursday	2 nd Friday	4 th Monday	3 rd Tuesday	Wednesday
Time	9:30 am	10:15 am	10:30 am	11:30 am	11:00 am	9:45 am	10:00 am
Location	Denman Activity Centre	Gabriola Arts Council	TBD	Room to Grow	Judith Fisher Centre/The Arts Centre	Thetis Community Centre	TBD

**Meeting moved from designated day due to scheduling conflict*

Key Dates

Stat Holidays	Jan. 1; Feb.12; Mar 30, Apr 2; May 21; July 2; Aug.6; Sept.3; Oct.8; Nov.12; Dec.25,26
Trust Council	March 13-15, June 19-21, Sept 18-20 (tentative), Nov 6-8 (tentative)
Executive Committee	Jan 17, Feb 7, 28, Mar 13, Apr 11, May 9, June 6, 19, July 18, Aug 15, Sept 5, 18, Oct. 10, 24, Nov 6, 28, Dec 12
Financial Planning Committee	Jan 16, Feb 21, May 30, Aug 9, Oct 17
Trust Fund Board – DRAFT	Jan 30 or Feb. 6, Apr. 3 or 10, May 29, July 17, Sept 25, Nov 27
Trust Programs Committee	Feb 13, May 22, Aug 21, Oct 9
Local Planning Committee	Feb 15, May 24, Aug 23, Oct 11
SD 79 (Cowichan) Spring Break	Mar 12-23
SD 46 (Sunshine Coast) Spring Break	Mar.19-Apr 2
SD 68 (Nanaimo) Spring Break	Mar.19-Apr 2
SD 71, 79 (Comox) Spring Break	Mar 26-Apr 6
LGLA Conference	Jan 31-Feb.2
Salish Sea Ecosystem Conference	Apr 4-6
AVICC Conference	April 13-15
LGMA Conference	May 15-17
PIBC Conference	May 29-June 1
CIP Conference	June 19-22
UBCM Conference	Sept. 10-14